Special City Council Meeting
Thursday, December 19, 2024, at 5:45 PM
City Council Chambers, City Hall (10 3rd Ave SW)
Any person needing special accommodation for the meeting is requested to notify the City Clerk's office at 857-4752.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. ACTION ITEMS

3.1. ALCOHOLIC BEVERAGE LICENSE RENEWALS

RECOMMENDED ACTION
It is recommended City Council approve the alcoholic beverage license renewals for the period of January 1, 2025 through December 31, 2025 for the following businesses:

1. **Don Tapatio Mexican Cuisine**
2. **El Azteca**
3. **Off the Vine**
4. **On the Rocks Lounge**
5. **Taco Feliz**
6. **Taco Feliz No 2**
7. **The Grand Hotel**
8. **Uncle Maddio's Pizza**

3.2. APPOINTMENT OF SPECIAL CITY ATTORNEY, SEYMOUR JORDAN - MINOT POLICE/WARD COUNTY CASE NO. 24-19088

RECOMMENDED ACTION
The City Attorney recommends the City Council:

1. **Consent and approve of the appointment of Seymour Jordan, Divide County States Attorney, to act as Special Assistant City Attorney in Minot Police/Ward County Case No. 24-19088; and**
2. **Authorize the City Attorney and Mayor to sign any necessary paperwork to complete the appointment.**

3.3. UPDATE/DISCUSSION ON CITY OF MINOT POLICE DEPARTMENT EXTERNAL INVESTIGATION REPORT

4. ADJOURNMENT

TO: Mayor Ross
Members of the City Council

FROM: Mikayla McWilliams, City Clerk
Dale Plessas, Police Captain

DATE: December 19, 2024

SUBJECT: ALCOHOLIC BEVERAGE LICENSE RENEWALS

I. RECOMMENDED ACTION

It is recommended City Council approve the alcoholic beverage license renewals for the period of January 1, 2025 through December 31, 2025 for the following businesses:

1. **Don Tapatio Mexican Cuisine**
2. **El Azteca**
3. **Off the Vine**
4. **On the Rocks Lounge**
5. **Taco Feliz**
6. **Taco Feliz No 2**
7. **The Grand Hotel**
8. **Uncle Maddio's Pizza**

II. DEPARTMENT CONTACT PERSONS

Mikayla McWilliams, City Clerk, 701-857-4752
Dale Plessas, Police Captain, 701-857-9800

III. DESCRIPTION

A. Background

In order to renew an alcoholic beverage license, an application must be submitted for review by the Police Department and inspections are done by the Building Official and Fire Marshal. Complete renewal applications approved by the Police Chief.

B. Proposed Project

N/A

C. Recommendation Detail

Current licenses expire at 11:59 pm on December 31st of this year. If the establishment is continuing the sale of alcohol, the license renewal needs to be approved by City Council prior to that time.

IV. IMPACT

A. Aspirations

Safe and Welcoming - aligns with this process by ensuring each license holder follows the City of Minot and State of ND laws pertaining to alcohol licensing.

B. Service/Delivery Impact:

N/A

C. Fiscal Impact

The fees vary depending on the type of license and are deposited into the appropriate general fund revenue account.

Project Costs

N/A

Project Funding

N/A

VI. ALTERNATIVES

State the alternatives to this project. The alternatives need to be viable options and there should be at least two: one would be some other approach and what the results of that alternative would be and the second would be not to do the project and what the result would be.

TO: Mayor Ross
Members of the City Council

FROM: Stefanie Stalheim, City Attorney

DATE: December 19, 2024

SUBJECT: **APPOINTMENT OF SPECIAL CITY ATTORNEY, SEYMOUR JORDAN - MINOT POLICE/WARD COUNTY CASE NO. 24-19088**

I. RECOMMENDED ACTION

The City Attorney recommends the City Council:

1. **Consent and approve of the appointment of Seymour Jordan, Divide County States Attorney, to act as Special Assistant City Attorney in Minot Police/Ward County Case No. 24-19088; and**
2. **Authorize the City Attorney and Mayor to sign any necessary paperwork to complete the appointment.**

II. DEPARTMENT CONTACT PERSONS

Stefanie Stalheim, City Attorney, 701-857-4190

III. DESCRIPTION

A. Background

A staff member of the City of Minot is a victim in the above captioned case. Given the same, a conflict has arisen in regard to our ability to prosecute the matter. The Minot Police Department has already shifted investigation of this matter to the Ward County Sheriff's Department.

B. Proposed Project

The City Attorney recommends retaining outside counsel to prosecute this matter on behalf of the City.

C. Recommendation Detail

The City Attorney contacted the Divide County State's Attorney's Office and Divide County State's Attorney Seymour Jordan indicated he would be willing and available to prosecute this matter for the City. The warrant for this case is still processing. We must have conflict counsel in place before the warrant can be reviewed and issued.

IV. IMPACT

A. Aspirations

Adopting the proposed recommendation and continuing prosecution of this case without delay achieves the City Council's aspirations to stay safe, welcoming, resilient, and prepared.

B. Service/Delivery Impact:

Approving the appointment will allow prosecution of this matter to continue without delay.

C. Fiscal Impact

Any anticipated expenses will be limited to actual costs (ex: travel, cost to create exhibits, etc.) and should be able to be absorbed by the existing City Attorney budget.

Project Costs

N/A

Project Funding

N/A

VI. ALTERNATIVES

1. The City Council could direct the City Attorney to locate alternate conflict counsel.
2. The City Council could direct the City Attorney not to retain conflict counsel.

STATE OF NORTH DAKOTA | IN MUNICIPAL COURT

COUNTY OF WARD | NORTH CENTRAL JUDICIAL DISTRICT

City of Minot,
Plaintiff,

vs.

Cassandra Brekke,
Defendant.

Criminal No:

APPOINTMENT AND OATH OF SPECIAL CITY ATTORNEY

[¶ 1] COMES NOW, the City of Minot, by and through the undersigned City Attorney to hereby appoint Seymour Jordan, or his designee, to the position of Special Assistant City Attorney for the City of Minot in the above captioned case.

Dated this ____ day of _____, 20___.

Stefanie Stalheim, ND Bar No. 06894
City Attorney
P.O. Box 5006
Minot, ND 58701-5006
Telephone: (701) 857-4755
Facsimile: (701) 857-4751
attorney@minotnd.org

[¶2] State of North Dakota)
) ss.
County of Divide)

I, Seymour Jordan, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of North Dakota and that I will faithfully discharge the duties of the office of Special Assistant City Attorney in the City of Minot, County of Ward, State of North Dakota to the best of my ability in the above captioned criminal proceeding so help me God.

Dated this 18th day of December, 2024.

Seymour Jordan, ND Bar No. 07785

Special Assistant City Attorney
P.O. Box 84
Crosby, ND 58730-0084
Telephone: (701) 965-6451
E-service: dividesa@nd.gov

Subscribed and sworn to before me this 18th day of Dec. 2024 by Seymour Jordan.

Sheila L Funk
Notary Public

SHEILA L FUNK
Notary Public
State of North Dakota
My Commission Expires Aug 30, 2025

City of Minot

APPOINTMENT OF SPECIAL ASSISTANT CITY ATTORNEY

I, Stefanie Stalheim, City Attorney for the City of Minot, do hereby appoint Seymour Jordan, or his designee, as Special Assistant City Attorney for the City of Minot to prosecute Minot Police Department/Ward County Sheriff's Department Case No. 24-19088.

Dated this ____ day of _____, 20___.

_____
Stefanie Stalheim
City Attorney

Minot City Council hereby consents and approves of the appointment.

Dated this ____ day of _____, 20___.

_____
Thomas Ross
Mayor

I accept said appointment.

Dated this 18th day of December, 2024.

/s/ Seymour Jordan
Seymour Jordan, ND Bar No. 07785
Special Assistant City Attorney

Mikayla McWilliams

From: Corbin Dickerson
Sent: Friday, November 22, 2024 12:59 PM
To: Mikayla McWilliams
Cc: Stefanie Stalheim
Subject: Final Report Redactions

Mikayla,

Please use the following citations for the redactions in the final report.

- N.D.C.C. § 44-04-18.31
- N.D.C.C. § 44-04-18.7(6)
- N.D.C.C. § 44-04-18.7
- N.D.C.C § 12.1-.5-03
- N.D.C.C. § 44-04-18.20
- N.D.C.C. § 44-04-18.32
- N.D.C.C. § 25-03.1-43

Thank you so much for all of your help!

Corbin Dickerson
City of Minot, Assistant City Attorney
Office Phone: 701-857-4755

City of Minot

Serving our neighbors, building our community with PRIDE.
Professionalism | Responsibility | Integrity | Dedication | Excellence

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Clark Hill

MEMORANDUM

TO: Harold Stewart

FROM: Yvette Heintzelman

DATE: November 20, 2024

CLIENT MATTER: City of Minot Investigation

SUBJECT: Investigative Report

On September 27, 2024, the City of Minot hired Clark Hill to investigate complaints received by Council Member Rob Fuller.[1] City Council described the scope of the investigation as an external investigation regarding allegations of hostile work environment, inconsistent discipline, staff confidence in leadership, staff retention, staff morale, and staff concerns of retaliation by Police Chief John Klug.

This investigation report summarizes the interviews of police officers and dispatchers and provides recommendations based on those interviews and a review of documents. Summaries of the interviews follow the report.

Investigation Report

COVID-19 significantly impacted individuals, teams, leaders, organizations, and society as a whole from 2019 through 2022. The pandemic created stress, burnout, remote working, and the anxiety of working through video conferencing, working from home with children present and the list goes on. Leaders needed to make critical decisions affecting operations and personnel where they did not know the outcome and how operations would continue. "As the pandemic increased employees' awareness of, anxiety about, and reflection on their own mortality, some withdrew, while others became more prosocial and creative." Harvard Business Review Research Roundup: How the Pandemic Changed Management (March 13, 2024).

The issue of COVID-19 is provided as a background, because so many individuals interviewed were critical of how the Chief and Haugen handled the police department and the dispatch center during COVID-19 and raised those issues as part of their complaints to the City in this investigation. During a worldwide pandemic, the rules were constantly changing from the state and federal governments regarding distancing, isolation, and masking. While individuals continue to need mental health counseling for the stressors created during those years, for current employees, the City has resources including an Employee Assistance Program for those individuals to access.[2]

[1] Nothing in this Investigation Report constitutes professional legal advice nor is it intended to be a substitute for professional legal advice. Clark Hill's role is purely investigatory and neither Ms. Yvette Heintzelman nor Ms. Lidia Koelbel are providing legal advice to the City.

[2] On May 5, 2023, the World Health Organization declared an end to the Public Health Emergency for COVID-19.

With the pandemic in the background, John Klug and Margaret Haugen were promoted to the Chief of Police and Public Safety Answering Point (PSAP) Manager on February 1, 2020, and charged with ensuring that public safety dispatch and police operations continued during this challenging time.

This investigation was initiated by Councilman Rob Fuller, who is a newly elected member of the Minot City Council. He and Councilman Scott Samuelson had conversations with current and former members of the police department including dispatch. Some of these individuals had worked for Councilman Fuller at his business in town called Spartan Arms. Some of the individuals Fuller employed were former police officers who left on unsatisfactory terms from the police department. After hearing complaints about the police department for several years, Councilman Fuller ran for and was elected to the City Council. Since his election, he has continued to receive complaints. He was concerned about these complaints in light of a request for funding to build a new police department building. He and Councilman Samuelson stated that they would not support funding for a building unless the City addressed the morale issue at the department. At the same time, Fuller was meeting with officers and obtaining information from them regarding their perspective on what was wrong with the police department. Fuller was talking to Harold Stewart, the City Manager, about issues with Chief Klug that he heard about when he (Klug) was an officer.

Past Allegations

On March 4, 2021, the City retained a third-party investigator to investigate issues of disparate treatment of officers and an allegation of cheating on the lieutenants' test. Attachment 23.

On February 6, 2022, the City received an anonymous email regarding Lt. McLeod and Chief Klug. Attachment 42. The email concerned an alleged affair McLeod was having and the conduct of Chief Klug in 2005. The City reviewed the email and conducted an investigation of the allegations at that time. Chief Klug responded to the allegations and the City Council determined that Chief Klug would remain Chief of Police.[3] Attachment 41 and 42.

Background For Current Allegations

As a new council member, Fuller was approached by patrol officers who wanted to provide information and try to do an end run around command staff and the City Manager. The City Manager has asked individuals to come talk to him directly if they have specific issues they want to address, but no one has come to talk to him directly about the information they have.

All of these issues raised, predate Fuller and Samuelson. There have been discussions with the City Council about the need for a new police station. Both Fuller and Samuelson have held up that process because they want to take care of these morale issues first. Fuller had met with thirteen current or former members of the Minot Police Department, including a few dispatchers. He had taken notes of his meetings, which he then transcribed but did not identify the individuals with whom he had spoken. They have been subsequently identified via this investigation. Fuller explained to Heintzelman during this investigation that he does not have a background in human resources or employment law. His comments and conclusions are his stream of conscious reactions to the information he received. He stated that his

[3] During this investigation, Lt. Dale Chapman indicated that the allegations of Chief Klug pulling a weapon on the evening were inaccurate. He was intoxicated but did not have a weapon on him.

experience in conducting this investigation is as a businessman in the City of Minot. He previously owned a gun store, Spartan Arms, where he employed several individuals who did not leave the police department on good terms. Over the years, he has heard complaints from people regarding their departure from the City's employ.

On August 26, 2024, Fuller and Samuelson came to Stewart to discuss the morale problems in the police department. Stewart told them that the information they were providing happened in the past period and if there is something new then he would address it. Fuller came back and said that he had new information, because he had been meeting and talking to people about what was going on at the Police Department. Fuller's information was that Officer Batteiger had slept with a domestic violence victim and that he had lost 15.7 grams of heroin from a canine drug training kit. This information was indeed new to Stewart.

On August 30, 2024, Lt. Shane Haug, the Professional Standards Lieutenant, informed Chief Klug and Captain Justin Sundheim that there was an accusation against Dan Batteiger. A female cadet made a comment to her co-worker about being in a relationship with Batteiger. The co-worker has a sponsor who is Jenna Olson. Jenna Olson works in the Sheriff's office. She reached out to Sgt. Jared Foley who is responsible for the Cadet program. Foley contacted the cadet's mother. The juvenile's mother indicated that her daughter makes statements about her desire to date after she turns 18. The mother looked at the girl's phone and did not think anything was occurring. The cadet was out of state and would return on September 9, 2024, which was a holiday. When Chief Klug met with Fuller on September 5, he did not know the outcome of the interview with the cadet. Unbeknownst to Chief Klug at the time, Olson told Krysta Becker, a former Minot Police Officer. Becker told Fuller about the allegations.

On September 5, 2024, Chief Klug met with Stewart, Stefanie Stalheim (City Attorney), Fuller, and Monica Porterfield (HR). Fuller was talking about Batteiger's disciplinary issues and that Batteiger should be terminated for losing the heroine in the drug kit. Chief Klug said that all of Batteiger's issues occurred around a period when he was having personal issues. He was getting divorced and this resulted in Batteiger making some bad decisions. Once he was able to get a handle on his issues, after the canine investigation, Batteiger was on a path of returning to be a good police officer.

Chief Klug explained that he did not terminate Batteiger because he could not prove that he took the drugs or that he lost them. Chief Klug had policy violations from Batteiger, but before Lt. Chapman, who oversees the canine training, changed the policy, Batteiger complied with how the canine officers had typically handled the drug kit. Nevertheless, Chief Klug removed the canine from Batteiger and removed him from all of his training opportunities so that he could focus on getting himself together and being a good officer. He lost a lot of opportunity as a result of that investigation. Chief Klug also held Lt. Chapman accountable for not reviewing the logs and failing to hold Batteiger accountable. Concerning destroying the drug kit, Batteiger's mistake was not involving Sgt. Jensen in the process for destroying the drugs. They have to get DEA approval for the destruction of the drug kit. It cannot be done in the same manner as the destruction of other evidence under state law. Chief Klug did not conclude that Batteiger was trying to hide his mistake by destroying the drug kit.

On August 30, 2024, Chief Klug received a call from a former council member relaying that Fuller was in a bar sharing information about an ongoing criminal investigation. At the time, Chief Klug thought it was a Minot Police Department case. He spoke to Captain Dale Plessas who said that it was a highway patrol case where the incident occurred at the fair. Klug recounted that Batteiger responded to the crash and the passenger in the car was a deputy's son. Krysta Becker, who previously worked at the police

department and now works for the Sheriff's department, also responded to the call. The case was given to the highway patrol because of the potential conflict with the Sheriff's office. Sgt. Ruelle was there as well. When the highway patrol showed up, Becker walked around telling the highway patrol to check everyone's body worn camera to make sure everyone is telling the truth. As it turned out, the accident and response happened as everyone said it did. However, Becker was the officer who stated that she would not back up Batteiger. Chief Klug felt that her statements on the scene were a concern and thought the Sheriff should know about her statements that she would not back up one of Minot's officers. Minot Police Department will back up the Ward County Sheriff's Department and vice versa when necessary. Chief Klug was concerned that Fuller had an internal source at the Sheriff's Department to obtain information and that Fuller was sharing confidential investigatory information publicly. Chief Klug and Sundheim had a meeting with the Sheriff and Chief Deputy Larry Hubbard scheduled later on September 5, 2024. No one knew about the meeting with the Sheriff except for the attendees.

Before Fuller left the earlier meeting with Chief Klug on September 5, 2024, Fuller asked Chief Klug two questions:

- Did you schedule a meeting with Larry Hubbard regarding Krysta Becker; and
- Is there anything else on Dan Batteiger?

Chief Klug told him that he had a meeting with the Sheriff but stated that there was nothing else on Batteiger. Chief Klug intended to tell the Sheriff that Fuller had someone inside the Sheriff's Office providing information to Fuller about investigations. Chief Klug also intended to tell the Sheriff about Krysta Becker's statements from the incident at the fair.

When he was asked the question by Fuller, Klug knew that there was an issue with the cadet who was a juvenile but did not know if there was any substance to the allegation since no one had spoken to the cadet yet given she was out of town. He did not want to share information with Fuller because he was given reason to suspect Fuller was sharing information with others in a public setting. Chief Klug was waiting until September 9, 2024, when the cadet came back in town, to determine whether they needed to do an investigation after they could confirm the information with the cadet. Chief Klug did not follow up with Stewart after the meeting to tell him about the allegations against Batteiger.

Chief Klug does not believe he lied to Fuller, Stewart, or Stalheim because he did not know if there was anything to the allegations, and it turns out there was not. He stated that he was trying to protect the integrity of the case because the cadet was a minor and he thought Fuller was talking to people about cases outside of the department. He believes that Jenny Olson told Fuller about what the cadet said about being in a relationship with Batteiger.

Klug did not call Stewart after the meeting with Fuller on September 5, 2024. After that meeting, Chief Klug went to the meeting with the Sheriff. Stewart and Stalheim called Lt. Haug and asked if there was an investigation with Batteiger and a cadet. Haug said yes.

Chief Klug was placed on administrative leave on September 11, 2024.

Expanded Scope of Investigation

When Clark Hill was hired on September 27, 2024 by the City of Minot to investigate complaints received by Councilman Fuller, the initial scope of the investigation described by City Council was an external

investigation regarding allegations of hostile work environment, inconsistent discipline, staff confidence in leadership, staff retention, staff morale, and staff concerns of retaliation by Police Chief John Klug.

On September 30 and October 1, 2024, City Manager, Harold Stewart sent an email to employees informing them that anyone who wanted to talk to the external investigators would be provided an opportunity to do so. In addition, documents were requested and provided before and during the interviews conducted by Yvette Heintzelman and Lidia Koelbel.[4]

Everyone who expressed they had information to contribute was contacted. The investigation grew much larger as the number of interviewees more than tripled and new allegations were brought to light. Although additional information including a re-telling of several past incidents that had already been investigated were discussed, an attempt to keep the investigation within the original scope was made. Consequently, the investigation report does not address every new allegation.

Council Member Fuller's Concerns

Based on discussions with Fuller, he was initially concerned about the retention of Batteiger and the investigation into his conduct with the lost heroin. He was also concerned about retaliation against Krysta Becker with the Sheriff's Department. Chief Klug investigated the missing heroin but did not terminate Batteiger's employment. The level of discipline is within the discretion of the Department Head's decision and Chief Klug had justification for his decision. Hindsight always presents a different perspective. Chief Klug was selected for the position of Chief of Police in 2020 after vetting. His decisions must be accepted until he proves to be exercising poor decision-making. This investigation did not uncover poor decision-making concerning the loss of the 15.7 grams of heroin. However, Chief Klug failed to inform the City Manager, his boss, of potentially embarrassing information. Chief Klug's decision to withhold the recent Batteiger issue falls into the same category. While the incident turned out to be nothing, his failure to inform Stewart put Stewart in an embarrassing situation with Fuller and fit into Fuller's narrative that the Chief was withholding information from Stewart and him. I do not find Chief Klug's decision to speak to the Sheriff about Becker's conduct and departure from the City to be unreasonable or retaliatory as her conduct may affect mutual aid between the Ward County Sheriff and the City of Minot.

Since all of this transpired, Batteiger resigned from the City on October 22, 2024, and repaid the money for Christmas gifts in 2021. Thereafter, Fuller indicated that he still had concerns about Chief Klug's decisions in dealing with Kevin Cory and Erik Laudenschlager. Based upon my review of these decisions, this investigation did not find sufficient support to conclude that Chief Klug's decisions were wrong. Fuller may disagree with the decisions, again in hindsight, but they were not wrong.

City Council's Direction

The investigation was to determine whether there was a hostile work environment in either the Police Department created by Chief John Klug and/or his command staff and the PSAP Manager. In addition, the investigation concerned whether Chief Klug issued inconsistent discipline, staff confidence in leadership, staff retention, staff morale, and staff concerns about retaliation by Police Chief John Klug and/or

[4] Ms. Koelbel was asked to assist in the interviews because of the expanded scope of the investigation and number of individuals that were identified and a request to complete the investigation is a short amount of time.

Margaret Haugen. While the PSAP Manager was not specifically identified, during this investigation, many dispatchers scheduled meetings with the investigators to share their experiences.

Hostile Work Environment

A hostile work environment means conduct that is unwelcome or offensive in the workplace which causes one or more employees to feel uncomfortable, scared, or intimidated based upon a protected category, i.e. race, sex age, religion, disability, or another protected trait. There was no information to support an allegation of a hostile work environment based upon a protected category. Many individuals, however, did not like the way the command administration communicated with members of the department or the speed in which decisions were made. *See e.g.,* Attachment 33, pp. 1263-1265; Attachment 34, pp. 1266-1267.

Notably, many of the issues raised were very dated including references to Blanchard, 2021 performance evaluations and promotions, faulty equipment that has been repaired, and Chief Klug's conduct from 2005. This information has already been disclosed to the City and/or the Department and/or the subject of previous reviews. To the extent they remain the topic of discussion, the discussion is contributing to the gossip and rumors that are deteriorating the morale of the Department. Further, many people spoke about issues for which they have no personal knowledge and/or no basis for their perspective other than personal feelings. Unsubstantiated statements that lack personal knowledge also foster an environment of gossip, rumor, and misinformation which also negatively affects morale.

Because major decisions and changes are not communicated via personal discussions, *i.e*. visits to roll call shift meetings or patrol meetings, individuals believe decisions are made without any consideration of their perspectives or feelings which creates a level of distrust and unrest. The Department command would be well served to increase communications, something that was raised in 2021, increase personal interactions with patrol, and be more responsive to issues raised by sergeants through the chain of command. Personnel issues cannot be moved to the bottom of the priority scale repeatedly. They must be addressed in a timely fashion, i.e. a day or two. More delegation on the part of Chief Klug along with the authority to make the decision would facilitate this process.

In dispatch, there is a definite dislike for Haugen and her management style. Several individuals spoke about Haugen gossiping, disclosing confidential information, and/or pitting individuals against each other. I was not told that Haugen was placed on a performance improvement plan even though the Chief has been visiting the PSAP center regularly and attempting to work with the Lead dispatchers. Discussions with lead dispatchers does not seem to be working. The most positive information coming from the dispatch center is the employment of Wayne Fahey. With his addition, the morale seems to be improving as most of the information provided predates Fahey's hire and relates to Haugen, Klug, and Sundheim. If Haugen continues to work in PSAP as the manager, the separation of personnel matters from Haugen should be maintained and the Assistant PSAP Manager should manage all personnel matters and scheduling and any other interaction with the dispatchers.

While the investigation does not find the existence of a hostile work environment, there is a core group of current and former employees in the Police Department and dispatch who do not agree with the decisions made by Chief Klug and Haugen and therefore are unhappy with their work environment.

Inconsistent Discipline

The investigation uncovered that Chief Klug implemented a discipline matrix to provide some structure and guidance for the issuance of discipline. While it appears that he implements all of the significant discipline himself, this is an attempt to provide structure to the captains, lieutenants, and sergeants for the imposition of discipline. However, every disciplinary situation is different and even though two people may engage in the same conduct there may be extenuating circumstances that have to be taken into consideration. By way of example, consider two officers who miss court. The first officer slept through his alarm and the second officer had a car accident on the way to work. For each, it was the second time the officer missed court. Should the discipline be the same? The answer is "no," not necessarily. This is where a supervisor's leadership, judgment, and fundamental fairness come into play. Many people spoke of situations for which they did not have complete information or the individual's information was based on information from others (rumor and speculation).

Chief Klug also created a Professional Standards Lieutenant, which is a position to ensure that policies, procedures, and investigations are equitably and properly handled. While individuals may disagree regarding the selection of individuals for promotion, this investigation did not substantiate decision-making that was patently unfair, including passing over Schoenrock or Laudenschlager for promotion. Fear of individuals resigning if they do not get a promotion, or the assignment of their choice cannot be the basis for decision-making. The most qualified person for the job should be selected. That process is not always perfect and, if an individual cannot meet expectations, they should be held accountable. If their performance is thereafter evaluated and are not meeting expectations, they should be removed from that assignment. By way of example, this investigator was presented with information that Cameon Eisenzimer had good evaluations but was summarily let go from the Department. Eisenzimer was evaluated, supported, and encouraged by Chief Klug as was documented in her personnel evaluations. She was supported by Captain Plessas, but did not perform well in investigations. Ultimately, she was put on a performance improvement plan, but she did not succeed. Attachment 37.

Similarly, Jacob Olson was removed from his FTO position because he was speaking disparagingly about other officers. Attachment 39. He was previously counseled about this conduct and did not heed the warnings from Schoenrock. His trainees were not meeting expectations in that they were not completing casework, their reports had grammatical errors, and were not sufficiently descriptive. Olson was not properly training his trainees and therefore was removed from his assignment. This investigation's findings support his removal.

Also, Kevin Cory was involved in a lawsuit, received discipline for the use of force, and was involved in subsequent use of force issues. The Chief was presented with information that supported other incidents of use of force that were outside policy. The Chief cannot be faulted for being proactive with an officer that he believed was not able to adhere to department policy on the use of force. When presented with that information, Cory resigned.

Based on my interviews and file review, this investigation did not uncover inconsistent discipline but rather individuals who do not agree with the discipline issued. Discipline is issued based upon a variety of factors including conduct in question, disciplinary history and context of the violation. There is also discretion by the supervisor, Chief's Job Description, and City ordinances which place the responsibility of discipline within the Chief's discretion.

Dan Batteiger

Many people have disagreed with the discipline issued by the Chief to Dan Batteiger. While people may differ about whether Batteiger should have been terminated from his employment, there was enough laxity in the supervision and enforcement of policies in recording canine training and maintaining the drug kits to support the conclusion that his conduct was careless and not intentional. This is particularly true with respect to the process of destroying the drug kit which has a special DEA destruction process that is not well known. Batteiger failed to call upon more experienced Canine Officer Sgt. Taylor Jensen for assistance.

Batteiger's Supervisor, Sergeant, and/or Lieutenant, should have investigated his relationship with the purported domestic violence victim. Further they should have addressed the personnel issue when he failed to purchase or return money for the 2021 Christmas present on behalf of his fellow officers for their supervisors.

Batteiger's relationship with the individual he met on a call may also discredit the Department and the City and should have resulted in an internal investigation. The Minot Police Department Code of Ethics requires officers to

> …keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department.

On-duty or off-duty misconduct that brings discredit to the department should be investigated and appropriate action taken. The standard is higher for individuals who hold a supervisory or management position in the Department. Further, as a Captain, Chief Klug investigated another officer for having a personal relationship with an individual the officer met in response to a call. Therefore, Chief Klug should know that this behavior is unacceptable. Indeed, off-duty conduct that affects the operations of the department should be addressed via the disciplinary process.

This investigation did not find any evidence that the Chief made any decision regarding Batteiger based on a personal relationship with Batteiger or because he was spying on the night shift for the Chief. That allegation was unsubstantiated. He exercised his discretion based on his determination that he did not have any evidence that Batteiger stole the heroin but was careless and did not follow policy. Chief Klug had full authority to exercise his discretion in making the disciplinary decision. He did not, however, consult with the City Manager which would have been a prudent course of action and an issue that should be addressed.

The investigation does not find that the Chief made inconsistent decisions regarding discipline. Further, no one contested their disciplinary decisions or promotion decisions through the City's complaint or grievance procedures. These complaints were raised outside the City's process through Councilmember Fuller. Sidestepping the City's processes undermines the integrity and effectiveness of the City's process and the City's professional staff as well as the organization as a whole and should not be allowed to continue.

Fitness for Duty and Mental Health

Many people have raised concerns about individuals such as Blanchard, Becker, and others who have substance abuse issues and/or mental health issues. These issues are complicated and there are numerous issues to consider such as sick leave availability, insurance coverage, leave under the Family and Medical Leave Act, and an interactive process and reasonable accommodation under the Americans with Disabilities Act. In reviewing the steps and attempts made to provide assistance and opportunity for officers to obtain help and assistance, this investigation uncovered no issues with how Chief Klug handled those individuals and their subsequent return to duty. Further, while there is an expectation that employers, particularly public sector employers, help their employees obtain the assistance they need, there is a concurrent requirement that the employee take steps to address their situation and utilize the Employee Assistance Program and/or health insurance coverage. There may be expenses associated with health care coverage which are the responsibility of the employee. In 2023, the Department created a Wellness and Peer Support Committee. This is also a step in the right direction for addressing mental health issues. The availability of these programs should continue to be made widely known across the Department, including dispatch who may be inadvertently excluded by virtue of the center's location and the down-trickle of information through the chain of command.

Chief Klug utilized the assistance of the Human Resources Department in these situations and should continue to do so. This investigation found that Chief Klug and the Human Resources Department handled these issues correctly.

Staff Confidence in Leadership

The City of Minot Employee Policy Manual is distributed and accessible to all employees on the City's intranet system. The manual provides that the City Manager supervises the Police Chief. The PSAP Manager, while not shown in the organizational chart, reports to Captain Sundheim. The City Council has the authority to appoint the City Manager. The City Manager's authority to appoint or remove a department head is limited only by the requirement of consent of the City Council. Rev. Gen. Ords. 1962, § 4-0401(1)—(6); Ord. No. 5543, § 1; *see also* Role of the City Manager

This investigation did not uncover the authority of a City Council member to investigate a department head or seek his/her removal. Council Member Fuller is a newly-appointed member of the City Council. It is not surprising that individuals who feel they have been slighted in some way seek out the newest member of the Council to plead their case and see if they can obtain a different result. Council Member Fuller did disclose that he did not have any background in conducting personnel or police disciplinary investigations including the questions posed or the notes that were taken. Indeed, some notes contained conclusions reached immediately based solely on the complaints of the complainants. For example, Chief Klug spoke to the Ware County Sheriff on September 5, 2024, regarding the conduct of one of the Sheriff's Deputies who previously worked for the City. Chief Klug's intention in speaking to the Sheriff was to voice a concern that the deputy had stated that she would not back up an officer in the Department, Batteiger. This investigation also uncovered that the deputy had made a similar statement to another officer. A discussion between two department heads who provide mutual aid to each other for police purposes is sufficient justification for the discussion. An officer cannot refuse to respond to a call for help from a fellow officer, regardless of the personal disagreement. The reference to "retaliation" in Fuller's notes is inconsistent with the underlying facts. There are other references to "WTF" and "WTH" in Fuller's notes

without explanation. These references were explained by Fuller as personal commentary to himself. They are, however, inappropriate for notes of an investigation or any other official City documentation.

There were references to "shadow files" in Councilman Fuller's notes. Supervisors in the Police Department, like all department supervisors, are encouraged to counsel their employees, verbal counseling, and then document the conversation so that they can keep track of what was done as part of the progressive disciplinary process. If it is not written down, then it will be forgotten and the supervisor will not properly elevate continued conduct to the next level of discipline under a progressive discipline policy. There is nothing nefarious about keeping a counseling memorandum with the individual supervisor as the term "shadow files" may create. It is recommended that this documentation be kept in a centralized location accessible to all supervisors so that they each have the benefit of the counseling another supervisor has provided to an employee. That way, each supervisor can elevate progressive discipline, as necessary. The disciplinary matrix identifies counseling as a sergeant-level task. *See* Attachment 25. If the verbal counseling does not work, supervisors can issue written documentation of verbal counseling or a written reprimand. In the end, there should be a process for tracking this information such as the ADP system, CAD notes, etc. There was some confusion regarding the sergeants' ability to access counseling notes and discipline given to other officers. That issue should be addressed and all sergeants and above given access to disciplinary actions taken against an officer. This does not mean that they should have access to investigative files, but the discipline issued. In the alternative, they can be provided the information via human resources.

There is a minority of current and former officers who disagree with Chief Klug's decisions. The majority of officers have not voiced complaints against Chief Klug or his Administration. There are issues to address and improvements to be made to improve leadership in the Police Department such as timely decision-making. Again, no one contested their disciplinary decisions or promotion decisions through the City's complaint or grievance procedures. No one raised these concerns to the City Manager. These complaints were raised outside the City's process through Council Member Fuller. Sidestepping the City's processes undermines the integrity and effectiveness of the City's process and the City's professional staff as well as the organization as a whole.

Chief Klug, however, cannot expect members of the department to follow through on their duties if he does not follow through on his duties, including communicating with the Department, communicating with the City Manager, completing one-on-one meetings, resolving the uniform/beard issue, issuing 2023 performance evaluations, and establishing and maintaining relationships with patrol especially members of the midnight shift. These are the "soft-skills" that keep an organization together, moving forward, and following its leader. This investigation cannot conclude that there is a failure of leadership as Chief Klug can perform his job duties as set forth in his Job Description and City Ordinance. However, if Chief Klug cannot or will change his leadership style to address these issues, the Department will continue to have these issues with leadership and morale.

Staff Retention and Staff Morale

This investigation uncovered several people who did not like the decisions and/or changes made by Chief Klug and therefore resigned from their employment. The number of resignations between 2019 and 2024 is not significant in police but is far more significant in dispatch.

Police Department Departures: 2016-2019. Total 47 (44 resignations; three retirements)

Police Department Departures: 2020-2024. Total 52 (43 resignations; six retirements; two terminations; one death)

Dispatch Departures: 2016-2019. Total 8 (five resignations; one retirement; two terminations)

Dispatch Departures: 2020-2024. Total 23 (22 resignations; one death)

This investigation has received information from individuals claiming that it is a revolving door and that years of experience and tens of thousands of dollars are leaving every time someone quits. It is true that every time an employee leaves, money spent training that employee leaves with them. After COVID-19, in general, the workforce is more transient than before. That concept is supported by the fact that people who have worked here for 20 years decided to quit because they were required to move to another position or back to patrol. While people interviewed made it seem like the change in positions was an "all or nothing" proposition, others stated that they requested accommodation for significant personal reasons (not personal preference) and were provided those accommodations. Unfortunately, Chief Klug did not include that option in his communication to the Department. *See* Attachment 41, p. 1358. Individuals who excelled in their job, e.g., Guerton, were allowed to stay in their positions. However, if the Chief or Command Staff determined that a shift is not working well with other officers, shifts, or the administration, it is the Chief's prerogative to move those individuals to other shifts. That being said, if the separation or animosity was created in part by the actions of the Chief or Command Staff, that issue must also be addressed. The midnight shift, particularly when the lieutenant was moved off of the shift schedule, was left without a command presence. Neither the captains nor the lieutenants visited a shift or roll call on midnights and may not have visited any of the roll calls, even during COVID. Further, the fact that the Senior Officer and Master Officer pins were left in the midnight officer's mailbox was wrong. If the Chief's practice was to pin the officers when they achieved this accomplishment, he should have gone to the midnight shift to pin those officers as well. The Chief cannot expect officers to follow his lead if they never see him or interact with him. At least they need to be given an opportunity to interact with him.

Chief Klug failed to complete the one-on-one meetings with his officers. This was one of the first promises he made to the department, and he did not complete it. It had a significant impact on some officers who felt disregarded or ignored. While these took a back seat to COVID and his personal issues, that is not the appropriate priority for a Chief. Relationships with his officers cannot take a "back seat." The uniform policy is a prime example of something the Chief could have done to boost morale. Officers were excited to participate in the process after being given the opportunity. Some spent hours researching and drafting the policy to address beards and then the entire uniform policy. Beards, piercings, and tattoos are issues that all departments are addressing. The Chief's failure to review and approve that policy – ever – is significant. He stated that it became lower on the priority scale. The Chief's perspective negatively affects morale. Further, he cannot expect members of the Department to fulfill their job responsibilities if he does not fulfill his job duties or promises to the Department members.

Along the same lines, many have indicated that the "ivory hallway is where ideas go to die." The fact that the Evidence Custodian cannot get shelves for his department or move the packaging outside the Evidence Locker/Room is surprising. But even more surprising is that the Chief needs to be involved in that decision. Chief Klug needs to trust his people or trust a captain but he cannot make all of these decisions himself because the lack of a decision is a decision and one that significantly impacts the department. In the Chief's absence, Acting Chief Plessas was able to review with Harold Stewart outstanding disciplinary

issues and make those decisions. Similarly, the Professional Standards Lieutenant must wait for a command staff meeting to make an update to a Lexipol policy even if the change is minor. This again results in a delay in decision making and operations.

Similarly, Chief Klug had an Administrative Assistant. If he does not currently utilize the assistance of an Administrative Assistant, he needs to hire an Administrative Assistant who can assist with the more mundane tasks of a Chief and/or Command Staff including approving expenses for the canine officers. If Cheryl Gessner is not the appropriate person for that job, then her job duties should be changed and if there are performance issues, then those should be addressed.

Officers have talked about the difficulty the City has in recruiting new officers and dispatchers. This investigation uncovered that many people working in the City know each other outside of work and many have gone to school together and may be related in some way. There are also local bars and restaurants that employees frequent in the City. When employees are out and have the opportunity to discuss where they work, that is "advertising" and each person has a choice, they can tell people it is a terrible place and no one should work in the City or they can present an accurate picture of working for the City, good pay, good benefits and the support of the community. That conduct is part of the recruiting process. It will either support or undermine the efforts of the City in hiring more police and dispatch personnel.

The same is true for the morale at work. Many people talked about incidents that occurred many years ago – even before COVID-19. Those decisions have been made, investigations have been conducted and disciplinary action was taken or not taken. By way of example, there was an investigation in 2021 regarding the lieutenant's examination and allegations of cheating. An investigation was conducted and the decision was reached. No complaint or grievance was filed at the time of the decision. This investigation reaches the same conclusion. It is time to put that issue to rest. The same is true for Lackey, Blanchard, Wilk, Sommerville, Becker, Batteiger, and others.

Along the same lines, if Chief Klug or Command Staff made comments that "everyone is replaceable," that does not support the morale of the organization. Or if the Chief makes statements that the Chief's focus is on the organization as a whole and not the individual officers, those statements diminish morale because people do not feel valued and appreciated. This is especially applicable in times of heightened anxiety and stress like COVID-19 and its aftermath.

We did not speak to the majority of individuals in the Department. Amongst the individuals we spoke to, they indicated they had a morale issue. A large number of these individuals are not current employees and therefore do not represent the current state of the Department. Further, some of the individuals we spoke to told us that they were happy at work and wanted us to know that they were happy with their jobs, with the accommodations Chief Klug made for them, and with the Chief's leadership.

The morale issue in dispatch is related to Haugen which Chief Klug should address in a more decisive manner, such as a performance improve plan.

Staff Concerns About Retaliation

Some individuals were concerned about retaliation for participating in the investigation. The City and the Department have policies against retaliation and any individual who believes that a decision was made in retaliation for participating in this investigation should report that issue via the grievance process, to the Human Resources Department, or the City Manager's office. This is a real concern for some employees, but the City Manager has assured everyone in his email dated October 1, 2024, that he would review any discipline:

> I know that many of you are concerned about participating due to fear of retaliation. I will reiterate what I stated verbally at our meeting on September 12th. I will not tolerate any retaliatory actions related to this investigation. To help protect against the potential of retaliation I have deferred any annual performance evaluation for the end of this year, and all disciplinary actions will require my review and approval to ensure they are based on their own merits and not related to participation in this investigation.

The City Manager's review of all discipline will provide a double check to ensure that no one is retaliated for participating in this investigation. I also recommend that the City Manager review promotion decisions as well to further allay any concerns.

Recommendations

Based on the investigation, I am making the following recommendations:

1. Create a process by which council members bring personnel issues to the City Manager for review and response and/or investigation so that personnel issues are reviewed under the City's complaint or grievance policy and by personnel who are trained in these areas.
2. Human Resources policy and procedure should be updated to accept complaints regardless of whether the issue has been addressed by the employee with their supervisor or manager. Speaking to a supervisor or department head should be voluntary, not mandatory. Human Resources must have the authority to investigate and reach a different conclusion from the department head.
3. If there are concerns about relationships between Human Resources and City personnel, consider establishing an 800 number where complaints can be presented and a third-party HR person can conduct a review or investigation. This may be done via videoconference.
4. Re-publicize the grievance and complaint procedure and require every employee to acknowledge that they read and understood the policy and maintain the signature in their personnel file. This should be done even if it already exists.
5. Establish a working relationship with the FOP Union to assist in explaining and disseminating information to officers and to facilitate discussion regarding any communication. They should also be sent a copy of the City's complaint and grievance policies.
6. Consistent with the CPSM evaluation, distribute the Lexipol policies to everyone.
7. Follow the Lexipol complaint investigation procedure and notify a complainant and a witness when an investigation is complete and appropriate remedial action has been taken. If the complaint is unfounded, remind employees of the policies at issue for future reference.

8. Investigation of workplace conduct should not be based upon the substantiation of a criminal case. The burden of proof is different for a criminal case and lower for an employment action. An administrative action should move forward so that employees do not remain on paid administrative leave while a criminal investigation is taking place.
9. Create a hiring and recruitment committee to select graduates from local schools to conduct outreach and participation with those schools. Officers should be paid for their participation. The committee should create concrete steps to take for the City to review and then, subject to review, revision, and budgetary constraints be implemented by the City.
10. All exit interviews should be conducted by a lieutenant and Human Resources or Human Resources. Lieutenants should date and identify all exit interviews and send them to HR.
11. Any decisions regarding benefit time, e.g., use of sick leave during FMLA time off, injury leave or reasonable accommodation requests should be handled in cooperation with the Human Resources Department.
12. To the extent that the Human Resources Department needs additional assistance, a temporary HR service can assist in responding to employee needs and issues.
13. Promotion to any rank, i.e. pinning the officer, should be made at a public meeting before the City Council.
14. Pins for Senior Officers and Master Officers should be made on the shift with an announcement to the entire department.
15. Lieutenants, captains, and the Chief should attend roll call regularly, i.e., at least monthly and probably more than that.
16. The Chief should visit a roll call every month and as needed by operational events and talk to every shift.
17. All officers must install Evertel on their cell phones. All officers must check Evertel daily unless they are on vacation or off duty days in which case they are required to check Evertel before they arrive for work.
18. Chief and command staff should push out department-wide communications weekly.
19. Human Resources should take over the random drug testing process from Sundbakken. Officers should be given two hours' notice, not 72 hours' notice. The testing facility should select the officers at random and call Human Resources who notify the officer via dispatch.
20. Train Chief Klug on current email etiquette and the use of all capitals in his department-wide communications.
21. Delegate decision-making to the individual who was assigned to the position who should be an expert in those areas, e.g., Evidence Custodian, Professional Standards Lieutenant, and allow them to exercise that decision-making within the scope of their rank.
22. Give individuals responsible for tasks, divisions, or assignments, such as the Evidence Custodian or Captain supervising the evidence budget to work within and then evaluate them on properly managing the budget.
23. Identify and delegate administrative tasks to an Administrative Assistant who has a clearly defined job description.
24. The Chief has weekly meetings or calls with the City Manager. It is also my recommendation that the Chief notify the City Manager regarding any situation that may cause embarrassment or discredit the City or Department immediately and regularly utilize the services of human resources and an employment attorney versed in police operations to consult with before any significant disciplinary action is taken.

25. The City should consider implementing the CPSM recommendation to create civilian positions that are easier to fill and shift sworn members to patrol, e.g., APOC.
26. Consideration of the CPSM recommendation for a Deputy Chief of Police to assist the Chief in his duties and relationship with the Department.
27. Audit the pay for dispatchers to ensure that they are being paid for overtime hours worked.
28. Address the rumors, gossip, and misinformation that are contributing to the deterioration of the morale in the Department via a counseling notice and progressive discipline if necessary.

Relevant Laws, Rules, Ordinances

CITY OF MINOT ORDINANCES – NONDISCRIMINATION, JUST CAUSE, COMPLAINT AND GRIEVANCES

Sec. 24-45. Nondiscrimination.

It is the policy of this city not to discriminate unlawfully against any person regarding employment on the grounds of race, color, religion, sex, age, or national origin.

Ord. No. 2630, § 1.

Sec. 24-47. Tenure; termination of employment.

(a) Employment with the city once initiated will continue until it is terminated under subsection (b) hereof.
(b) Employment with the city shall terminate on any one of the following grounds:
    (1) The employee reaches mandatory retirement age;
    (2) Before reaching the mandatory retirement age the employee dies or voluntarily quits city employment in order to retire or to pursue other employment;
    (3) The employee is dismissed for the good of the service;
    (4) The employee is dismissed as part of a reduction in force;
    (5) The employee is dismissed for disciplinary reasons;
    (6) The employee is dismissed because the position for which he was hired was a temporary position or otherwise one of limited duration;
    (7) The employee is dismissed because the appointing authority is permitted under section 24-46 or section 24-48 to terminate the employment and he does so; or
(c) Dismissal pursuant to a reduction in force shall be made in accordance with section 24-50.
(d) Dismissal of employees holding a position by virtue of special appointment and of probationary employees shall be made in accordance with sections 24-46 through 24-48 respectively.
(e) Dismissals for disciplinary reasons shall be made in accordance with Article VI of this chapter.
(f) Dismissals for the good of the service shall be made in accordance with section 24-51.

Ord. No. 2630, § 1.

Sec. 24-101. Grievance procedure established.

The city manager shall issue rules and regulations necessary to establish a grievance procedure whereby any employee who is adversely affected by a decision of his immediate or remote supervisor may require that the decision be reviewed by a person having the authority to reverse the decision. The rules and regulations may provide that a grievance is pursued up the chain of administrative command, culminating in a decision by the city manager, or alternatively it may provide that the employee holding a particular identified position shall have the authority to hear and determine grievances on an administrative level. At a minimum the regulations shall provide that the director shall assist an employee, if requested by the employee, in complying with the technical formalities and requirements of the grievance procedure and that the employee presenting a grievance shall be entitled to be represented and assisted by any person, including a fellow employee, who is willing to do so.

Ord. No. 2630, § 1.

Sec. 24-102. Commission final authority on grievances.

If after completing the procedure for the administrative determination of grievances provided for in section 24-101, the employee having the grievance is still dissatisfied with the administrative action taken, if any, with respect to his grievance, he may present the matter to the commission for its review which shall be final and not subject to further review by any court of law.

Ord. No. 2630, § 1.

Sec. 24-103. Standard of review.

The person or persons hearing and determining a grievance pursuant to the authority of section 24-101, or the commission acting pursuant to the authority of section 24-102, shall have the full power and authority to reverse or to modify, as well as to affirm, a decision giving rise to a grievance if he or it concludes that the decision is based upon a misinterpretation or misunderstanding of applicable constitutional principles, both state and federal, or of North Dakota statutory provisions, or of ordinances, regulations, rules, formal procedures, or formal statements of policy of the City of Minot. However if the decision which gives rise to a grievance is a decision which involves the exercise of a discretionary judgment on the part of the person making the decision, and it fairly appears that the person making the decision has been entrusted with or delegated the power to exercise his discretion in making such a decision, then the decision shall be reversed only in the event there is a demonstrated abuse of discretion, on which issue the grieving employee shall have the burden of persuasion.

Ord. No. 2630, § 1.

Sec. 24-104. Grievance procedure limited.

Notwithstanding anything in this division to the contrary, if this chapter elsewhere provides that a decision affecting an employee is to be reviewed in a certain manner, such as is provided in Article V with respect to the dismissal or demotion of an employee for the good of the service, for example, then such other procedure shall be exclusive so that the grievance procedure of this division is inapplicable.

Ord. No. 2630, § 1.

Secs. 24-105—24-110. - Reserved.

Sec. 24-111. Disciplinary regulations.

The commission shall establish disciplinary regulations. These regulations will be of two (2) types, the first type being substantive regulations which set forth the type of behavior which is either prohibited or required on the part of an employee, the breach or nonobservance of which by the employee may form the basis for disciplinary action against him. For example, the regulations may prohibit insubordination, chronic tardiness, making false claims or reports, etc. The second type shall constitute procedural rules with respect to the imposition of discipline. At a minimum the procedural rules of discipline shall provide that the employee's constitutional rights of due process are observed, particularly including the principle that no employee shall be subject to punishment for behavior which is not reasonably identified in the substantive rules of discipline as being the sort of behavior which can give rise to disciplinary action. Moreover the rules and regulations shall provide that with respect to all disciplinary actions taken against an employee, there shall be a right of appeal by the employee to the city manager, or alternatively, that before disciplinary punishment is imposed with respect to an employee the city manager must concur that there are adequate grounds therefor and that the punishment to be imposed is appropriate under the circumstances.

Ord. No. 2630, § 1.

Sec. 24-112. Allowable disciplinary punishments.

(a) Employees may be subject to any one or more of the following disciplinary punishments in accordance with the rules and regulations authorized under section 24-111:(1)Dismissal; (2) Lateral transfer; (3) Suspension without pay; (4) A temporary decrease in pay in an amount not to exceed twenty (20) per cent of the amount of gross pay which the employee would be receiving in the absence of disciplinary punishment for a period of time not to exceed one hundred eighty (180) consecutive calendar days; (5) Adjustment in performance evaluations; or(6) A letter of reprimand to be included in the employee's personnel file.(b) A lateral transfer for disciplinary reasons may only be made to a preexisting vacancy and then only in accordance with the rules promulgated under the authority of section 24-41(c).

Ord. No. 2630, § 1.

Sec. 24-113. Review by the commission.

(a) An employee who has been subjected to disciplinary action resulting in the imposition of disciplinary punishment may appeal to the commission. The commission shall have the authority to reverse the determination that there is cause to impose disciplinary punishment, and may remit the punishment, or it may find that there are grounds for imposing disciplinary punishment but that the punishment imposed should be modified, in which case it shall so order. (b) The procedures whereby an employee may appeal to the commission from an adverse decision with respect to whether disciplinary action should be taken against him, which disciplinary action has led to the imposition of disciplinary punishment, shall be identical to the procedures involved in presenting a grievance to the commission, except that in all respects the appointing authority shall have the burden of going forward with evidence and the burden or persuasion with respect to the factual issues which arise, which issues will be determined by the commission de novo. Furthermore, once the commission has arrived at a decision the employee shall be considered to have exhausted his administrative remedies for purposes of applying the legal doctrine

which requires the exhaustion of administrative remedies as a prerequisite to judicial review. To the extent permitted under the general law of the state the decisions of the commission under this division shall be subject to judicial review.

Ord. No. 2630, § 1.

EMPLOYEE HANDBOOK RELEVANT SECTIONS

Equal Employment Opportunity/Affirmative Action

It is the policy of the City of Minot to provide Equal Employment Opportunity (EEO) as that no person shall, on the ground of race, religion, gender, color, national origin, marital status, age, political affiliation or any disability which does not prevent satisfactory performance of work, be excluded from participation, be denied the benefit of, or be subject to discrimination under any program or activity undertaken by the City of Minot.

An Affirmative Action Plan of the City of Minot sets forth goals to ensure the policy of nondiscrimination as it relates to all our employment and operating practices. It demonstrates the City's commitment to equalizing employment opportunities for females, minorities, and disabled persons in all job classifications found within the City of Minot.

The EEO program applies to all applicants for positions and employees of the City and provides that they are treated fairly. Such treatment shall include no discrimination of any nature in the recruitment, placement, promotions, transfers, demotions, advertising or solicitations for employment, training during employment, rates of pay, or other forms of compensation, selections for training including apprenticeship, lay-off or termination or any related function.

The EEO program in the City of Minot is viewed as good management practice and in order to make it successful, all persons employed by the City of Minot are asked to support the EEO program. Furthermore, people employed in management positions are asked to direct special attention to the internal application of the EEO program and how its goals and objectives relate specifically to their department. The City needs everyone's cooperation for a viable EEO program.

Any person who believes she/he has been discriminated against for any reason should contact the Personnel Office.

Meals and Work Breaks

All employees will be given a 30-minute meal break, completely relieved of duties, for each shift over five hours in duration NDAC 46-02-07-02.

All employees' work schedules should provide for a 15-minute work break during each one-half shift, subject to reasonableness and emergency conditions. The work breaks should be scheduled near the middle of each one-half shift whenever this is feasible. Breaks are to be taken at the job site if the time of the break occurs at a remote location. As an option, employees can be given a one (1) hour lunch break, completely relieved of duties, in place of the allotted 15-minute work breaks and in combination with the required 30-minute lunch break.

Breaks are allowed in the employee's room if the employee is working in the Water Maintenance Yard, Shop, Public Works Building, Water Plant, City offices, etc., at the time of break. If the employee is in a mobile unit at break time, the break may be taken at the nearest convenient location, or in the unit. The immediate supervisor has the authority to add other reasonable rules to the above, for the efficiency of the operation and the public image of the department.

Harassment Policy

Statement of Philosophy: It is the policy of the City to provide a positive work environment that is free of discrimination, sexual and all other forms or harassment. This policy is a measure to ensure that all employees will enjoy a safe workplace free from unreasonable interference, intimidation, hostility, or offensive behavior on the part of the council, department heads, supervisors, co-workers or visitors. All employees are responsible for compliance with this guideline, as the City of Minot will not tolerate unlawful discrimination or harassment.

A. It is the City policy that sexual and other unlawful harassment of its employees in any form is prohibited and that all employees shall be treated with respect. Actions, words, jokes or comments based on an individual's sex, race, ethnicity, age, disability, religion, sexual orientation or any other legally protected characteristic shall not be tolerated.
B. Employees have the right, under Section 703 of Title VII of the Federal Civil Rights Act of 1964, to work in an environment that is free of conduct that can be considered sexually harassing or abusive. Any employee who engages in, who perpetuates or condones sexual or other unlawful harassment shall be subject to disciplinary action, up to and including termination.
C. The City, in recognizing its obligation to maintain a place of employment that is free of harassing, abusive, or disruptive conduct shall take positive and prompt corrective action where necessary in accordance with this policy.

Definitions:

Unlawful harassment is defined as verbal or physical behavior which relates to an individual's race, color, national origin, religion, gender, age, sexual orientation and/or disability when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Workplace harassment is defined as any unwelcome conduct, whether, verbal, physical, visual, or innuendos that are derogatory, abusive, disparaging, bullying, threatening or disrespectful types of behavior, even if unrelated to a legally protected status; when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment is defined as any verbal or physical conduct of a sexual nature such as, but not limited to, sex-oriented remarks or jokes, pressures or demands for sexual favors, implied or overt promises or threats, or any unwelcome conduct with sexual or demeaning overtones when:

- Submission to or rejection of such conduct is made, explicitly or implicitly, as a term or condition of employment or advancement;

- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creates an intimidating, hostile, or sexually offensive working environment.

Unacceptable Conduct Defined: Sexual harassment is a serious offense and is a form of employee misconduct. Sexual harassment does not refer to the occasional non-sexual compliment, but to behavior of a sexual nature that is not welcome, is personally offensive and impairs an employee's work effectiveness or is behavior that creates an intimidating, hostile or offensive work environment.

The following are types of conduct an example of harassment, which are prohibited. These examples do not necessarily represent all ways in which sexual harassment may occur and are not intended to limit the definition of sexual harassment.

A. Verbal comments and gestures of a sexual nature including any suggestive remarks, pictures, jokes and catcalls.
B. Explicit or implicit promises of career advancement or preferential treatment in return for sexual favors. Such promises or preferential treatment may include but are not limited to: hiring, promotion, training opportunities, work schedule, leave approval, performance evaluations and pay increases.
C. Explicit or implicit threats that an employee shall be adversely affected if sexual demands are rejected. Such threats include but are not limited to: lower performance evaluations, denial of promotions, punitive transfers, terminations and altered/increased work assignments.
D. Unsolicited and repeated touching of any kind including: touching, patting or pinching of another person, or repetitive brushing against a person's body.
E. Derogatory remarks about a person's national origin, race, language, accent; disparaging or disrespectful comments.
F. Loud, angry outbursts or loud, angry outbursts of obscenities.

Responsibilities of Employees, Elected Officials, Department Heads and Supervisors:

A. All employees have a responsibility to conduct themselves in a manner, which ensures the proper performance of their job responsibilities and maintains the public's confidence. Employees who experience or witness any type of sexual, workplace or unlawful harassment should follow the steps outlined in the Complaint process to assist in maintaining a workplace environment free of sexual, workplace or unlawful harassment.
B. Department Heads and other department Supervisors have a responsibility to act immediately and take corrective action when they observe behavior that violates this policy. All management representatives must recognize the seriousness and sensitive nature of any sexual, workplace or unlawful harassment complaint brought to their attention and need to follow the procedures outlined in this policy to assist in maintaining a workplace environment free of unlawful discrimination or harassment.

Complaint Procedures

City Employees or job applicants who perceive they have been subjected to sexual harassment have the right to pursue a grievance including an appeal to the Civil Service Commission pursuant to procedures stated in Sections 24-101 through 24-104 of the City of Minot Code of Ordinances. If unreported the City is severely limited in maintaining a workplace free of sexual or other unlawful workplace harassment. Employees are not required to deal directly with an offending individual(s) in seeking a resolution.

A. An employee who feels that he/she has been subject to sexual, unlawful or workplace harassment should clearly state to the individual that his/her behavior is offensive to them.
B. If you are unable to confront your alleged offender or the behavior persists after confronting the alleged offender, go to your immediate Supervisor who shall immediately notify the Department Head and Human Resources.
C. If the immediate Supervisor is involved in the alleged harassment, the incident should be reported director to the Department Head, who shall immediately notify Human Resources.
D. If the complaint involves the Department Head, the incident should be reported directly to the Human Resource Director and/or the City Manager.
E. If the complaint involves a member of Human Resources, the incident should be reported to the Department Head and/or the City Manager.
F. If the complaint involves the City Manager or a member of the City Council, the incident should be reported directly to the Human Resource Director.
G. The Human Resource Director shall be responsible for conducting an investigation in a fair, prompt and complete manner as outlined in the nature and scope of investigation.

Nature and Scope of Investigation:

- Any investigation of a complaint of sexual, workplace or unlawful harassment shall be limited to an inquiry of the truth or falsity of a specific complaint.
- Interviews of all relevant witnesses will be conducted in confidence to the extent permitted by law, and summaries of witnesses' statements and the investigator findings shall be in writing.
- To the extent permitted by law, investigations shall be conducted in a confidential manner; the knowledge of a pending investigation, nor the contents and/or findings of an investigation will not be shared except with the appropriate parties, or otherwise required by law.
- Persons who are asked to cooperate and participate in a pending investigation shall only be informed that a harassment complaint has been brought and that information being sought from the individual is a necessary part of the investigation. Written contents and findings of investigations are done pursuant to the complaint process and shall be maintained by the Human Resource Department in a secure place. However, it must be noted to all employees, that records of the City are public, except certain confidential records in accordance with NDCC 44-04-18.1.

Discipline

- An employee who is found to have engaged in sexual, workplace or unlawful harassment or retaliation, or who is found to have knowingly condoned, encouraged, or perpetuated an act or acts of sexual, workplace, or unlawful harassment or retaliation, shall be subject to disciplinary

action: including but not limited to, suspension, loss of salary increment, demotion and termination.

- Any employee who believes they have been unfairly disciplined may follow the City of Minot Grievance Procedure as outlined in the City of Minot Employee Personnel Policy Handbook in Chapter 7.

Dissemination of Policy

Prevention and education are the best tools for the elimination of workplace and sexual harassment. The City will take all steps necessary to prevent harassment in any form from occurring such as:

- Conducting training for Department Heads, Supervisors and Employees to affirmatively raise the subject by reviewing policies, discussing behaviors to be mindful of, and a general awareness of intimidating, hostile, or offensive workplace environments and sexual harassment.
- Informing all City employees of the policy.
- Investigating all claims of harassment, hostile work environment, and/or any unwelcome conduct in a confidential manner.
- Taking appropriate disciplinary action for the prevention of reoccurrence of sexual harassment.

Disciplinary Policy

The Civil Service Commission has implemented the following rules and regulations as they refer to discipline of City employees:

A. Procedural Rule: In all matters of employees' discipline, the employee's rights of due process will be observed. No employee will be subject to punishment for behavior which is not reasonably identified in Section IV as being the sort of behavior which can give rise to disciplinary action.
B. Allowable Disciplinary Punishments: Employees may be subject to any one or more of the following disciplinary punishments in accordance with the rules and regulations authorized under Section IV:
    1. A letter of reprimand to be included in the employee's personnel file (refer to Section 1-12 of the Code of Ordinances);
    2. Special performance evaluation that reflects cause for discipline;
    3. A temporary decrease in pay in an amount not to exceed twenty (20) percent of the amount of gross pay which the employee would be receiving in the absence of disciplinary punishment for a period of time not to exceed one hundred eighty (180) consecutive days;
    4. Suspension without pay;
    5. Lateral Transfer;
    6. Demotion,
    7. Dismissal.

    A lateral transfer for disciplinary reasons may only be made to a pre-existing vacancy and then only in accordance with the following rules:

    1. The pre-existing vacancy is first opened up to all other employees. If, after posting the position vacancy for 10 days there is no application from any employee who is in good standing and who meets the qualifications for the position, then the lateral transfer may be considered.

2. Both the Department Head of the department from which the lateral transfer is made and the Department Head of the department to which the lateral transfer is made must agree to the lateral transfer.
3. The concerned employee must meet the qualifications for the position to which he or she may be laterally transferred.

C. Appeal: An employee who has been subjected to disciplinary action resulting in the imposition of disciplinary punishment may appeal by following the City of Minot Grievance Procedure.

D. Substantive Regulations: Employees may be subject to any one or more of the disciplinary punishments provided in Section II for the following types of behavior:
1. Misconduct (i.e. the deliberate violation of a City policy set forth in the employee handbook, Civil Service ordinances or departmental rules and regulations).
2. Insubordination (i.e. being unwilling to submit to supervisory authority).
3. Chronic tardiness (i.e. frequently being late to work over a long duration).
4. Unauthorized absence (i.e. not showing up for work without proper approval).
5. Inefficiency, incompetence, or negligence (i.e. being wasteful of time or energy, lacking qualities needed for effective action, or failure to exercise the care that a prudent person usually exercises).
6. Violation of Safety Rules or Procedures for the employee's job, or, violation of safety rules or procedures, that extends to all City Employees.
7. Conviction of a felony.
8. Being under the influence of or use of intoxicating beverages while on duty.
9. Unlawfully manufacturing, distributing, dispensing, possessing, being under the influence of or using a controlled substance on any City of Minot worksite at any time or elsewhere during working hours.
10. Sale or delivery of non-prescription controlled substance.
11. Theft of City property.
12. Willful destruction of City property.
13. Falsification of City records.

(The above are types of behavior. They are not intended to describe specific events or to indicate the seriousness of the offense. The punishments listed in Section II will be applied in relation to the degree of the offense.)

E. Effect on Departmental Rules and Regulations: The Civil Service Commission has approved disciplinary rules and regulations for the Police Department and the Fire Department. Implementation of the foregoing rules and regulations will not supersede any previously adopted rules. If a conflict exists between these rules and previously adopted rules of the Police and Fire Department, the rules of the Police and Fire Department will govern.

Suspension, Demotion, and Dismissal

A procedure for implementing the suspension, demotion or dismissal of officials and employees of the City of Minot for misconduct, inefficiency, and other contributing factors, has been developed by the Civil Service Commission. The procedure consists of an investigation and appeals hearing of the adversely

affected employee. No employee shall be suspended or discharged without adequate reason and just cause.

Grievance Procedure

The grievance procedure is defined as a procedure whereby any employee who is adversely affected by a decision of his/her immediate Supervisor, Superintendent/Manager or equivalent, or Department Head, may require the decision be reviewed by a person having the authority to reverse the decision. This procedure is as follows:

1. Oral Report: An employee who has a grievance shall first discuss his grievance with his/her immediate Supervisor. If the grievance pertains to a decision made by that Supervisor, the employee may forward the grievance in writing to the next Supervisory level in the department which is generally the Superintendent, Manager or equivalent within the Police and Fire departments.
2. Written Report: The written report must be submitted to the next Supervisory level, as indicated above, within five (5) working days of the initial decision by the immediate Supervisor. Within five (5) working days after receiving a written grievance, the next level of Supervision shall furnish the employee with a written reply to the grievance. If the grievance pertains to a Department Head, the written report must be submitted to the Human Resource Director within five (5) working days of the initial decision.
3. Appeal to Department Head: If the written reply to the grievance is not satisfactory to the employee, he/she may, within ten (10) working days after receiving the reply, submit an appeal in writing to his/her Department Head. The Department Head shall confer with the aggrieved employee and/or his authorized representative and the employee's supervisor before rendering a decision. Such a decision shall be provided in writing and shall be delivered to the aggrieved employee within ten (10) working days of the date on which the appeal was received by the department head.
4. Appeal to Civil Service Commission: If the appeal to the Department Head fails to resolve the grievance, the employee may, within five (5) working days of receipt of decision on the appeal, submit an appeal in writing to the Civil Service Commission. This appeal shall be filed with the Human Resource Office and be referred to the next available meeting of the Civil Service Commission for its review, which shall be final.

Note: The grievance procedure does not apply to: employee terminations related to probationary employment, for just cause or due to a reduction in force; or employee transfers for the good of the service.

MINOT POLICE DEPARTMENT POLICIES RELEVANT SECTIONS

Law Enforcement Code of Ethics

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

Discriminatory Harassment

316.1 POLICY

The Minot Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may or may not violate state or federal law but still could subject a member to discipline.

Meal Periods and Breaks

1011.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible, shall conform to the policy

governing all City employees that has been established by the City Manager.

1011.1.1 MEAL PERIODS

Licensed employees and dispatchers shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from Minot Central Dispatch prior to taking a meal period. Uniformed officers shall take their breaks within the City limits and shall monitor their radios unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1011.1.2 15-MINUTE BREAKS

Each employee is entitled to a 15-minute break, near the midpoint, for each four-hour work period. Only one 15-minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call, and shall monitor their radios.

Personnel Complaints

1005.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Minot Police Department. 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.

1005.2 POLICY

The Minot Police Department takes seriously all complaints 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 and state laws, City of Minot ordinances and the City of Minot Employee Manual.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1005.3 PERSONNEL COMPLAINTS

Personnel complaints 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. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1005.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A relatively minor matter in which the supervisor is satisfied that appropriate action has been taken to address the matter.

Formal - A matter in which a supervisor determines that further action may be warranted. Such complaints are generally investigated by a supervisor of rank greater than the accused member.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the supervisor or the Chief of Police, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1005.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(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 their supervisor.
(c) Supervisors shall initiate a complaint 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 complaint.

1005.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1005.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1005.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally,

either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. In cases of a formal complaint, the supervisor, upon contact with the complainant, shall complete and submit a complaint form to the Chief of Police..

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

1005.5 DOCUMENTATION

Supervisors shall ensure that all formal complaints are documented on a complaint form and forwarded to the Chief of Police. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All received complaint forms will be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. The log will be maintained by the Chief of Police or the authorized designee.

1005.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1005.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or has any personal involvement regarding the alleged misconduct. The Chief of Police may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any complaint, a complaint form is completed.
(b) Responding to all complainants in a courteous and professional manner.
(c) Resolving those personnel complaints that can be resolved immediately.
    a. Follow-up contact with the complainant should be made within a reasonable time frame.
    b. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Professional Standards Lieutenant.
(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Patrol Supervisor and Chief of Police shall be notified as soon as practicable.
(e) Promptly contacting the Division Commander and Chief of Police for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
(f) Investigating a complaint as follows:

a. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
b. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(g) Ensuring that the procedural rights of the accused member are followed.

1005.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

The following applies to employees conducting administrative investigations:

(a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
(b) Unless waived by the employee, interviews of an accused employee shall be at the Minot Police Department or other reasonable and appropriate place.
(c) No more than two interviewers should ask questions of an accused employee.
(d) Prior to any interview, an employee should be informed of the nature of the investigation unless it would jeopardize the investigation.
(e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
(f) No employee should be threatened, nor shall any promises, rewards or other inducements be used to obtain answers.
(g) Any employee 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.
    a. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a Garrity advisement.
(h) The interviewer should record all interviews of employees and witnesses. The employee may also openly record the interview. A copy of that recorded interview should be provided to the employee prior to any subsequent interview upon request.
(i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual’s statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
(j) All employees shall provide complete and truthful responses to questions posed during interviews.
(k) No employee may be compelled to submit to a deception detection device examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1005.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of formal personnel complaints shall follow this 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.

Summary - 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 - 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.

Conclusion - A recommendation regarding further action or disposition may be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1005.6.4 DISPOSITIONS

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

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but 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.

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.

1005.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged

misconduct shall proceed with due diligence in an effort to complete the investigation.

1005.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION

The member conducting the investigation should provide the complainant with periodic updates

on the status of the investigation, as appropriate.

1005.6.7 COMPLAINT REGARDING THE USE OF A CONFIDENTIAL INFORMANT

The member conducting the investigation regarding the alleged misuse of a confidential informant in violation of N.D.C.C. § 29-29.5-01 et seq. shall comply with the investigation time frame and notification requirements of N.D.C.C. § 29-29.5-07.

Anti-Retaliation

1000.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or employment agreement.

1000.2 POLICY

The Minot Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1000.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

1000.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resource Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid

baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1000.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
(b) Receiving all complaints in a fair and impartial manner.
(c) Documenting the complaint and any steps taken to resolve the problem.
(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
(h) Not interfering with or denying the right of a member to make any complaint.
(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1000.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.
(b) The timely review of complaint investigations.
(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
(d) The timely communication of the outcome to the complainant.

1000.7 WHISTLE-BLOWING

North Dakota law protects employees who report job-related violations of law, rules, regulations, ordinances, or misuse of public resources in writing to the Chief of Police, State's Attorney, the attorney general, the state auditor, or an employee organization (N.D.C.C. § 34-11.1-04).

Members who believe they have been the subject of reprisal for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Office of Professional Standards for investigation pursuant to the Personnel Complaints Policy.

1000.8 RECORDS RETENTION AND RELEASE

The Chief of Police shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1000.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

ROLE OF THE CHIEF

Sec. 27-40. - Appointment; duties; authority.

The chief of police, who shall be appointed pursuant to chapter 24, shall be responsible for the discipline, operations, and efficiency of the police department, and shall have all authority necessary to that end.

Rev. Gen. Ords. 1962, § 4-1801; Ord. No. 3890, § 2.

ROLE OF THE CITY MANAGER

Sec. 2-47. Duties generally.

The city manager shall be the chief administrative officer and shall:

(a) Be responsible to the city council for the proper administration of all of the affairs of the city;
(b) Prepare and submit to the governing body an annual preliminary budget as provided for under Chapter 40-40, N.D.C.C., and shall be responsible for the administration of the final budget, subject to the control of the city council as to changes in the same;
(c) Be responsible for law enforcement;
(d) Appoint and remove, subject to civil service regulations if in effect, all heads of administrative departments and employees of the city except the city attorney. However, the city manager shall neither appoint nor remove the head of any department without consent and approval of the city council;
(e) Keep the city council advised of the financial condition of the city and make such recommendations as may seem desirable;
(f) Be responsible for the purchase of all supplies, materials and equipment for the operations of the city in accordance with the purchasing policy of the, as established in this chapter; and

(g) Perform such other duties as are prescribed by this Code or other ordinances of the city, or as may be prescribed from time to time by the city council.

Rev. Gen. Ords. 1962, § 4-0401(1)—(6); Ord. No. 5543, § 1.

State law reference(s)—For similar provisions, see N.D.C.C., § 40-10-06.

ROLE OF THE ELECTED OFFICIALS

From City of Minot Ordinances

Sec. 2-16. - Governing body—Who constitutes.

The governing body of the City of Minot is the city council, which is composed of seven (7) members, one (1) being the mayor and six (6) being aldermen.

(Ord. No. 5133, § 1)

Sec. 2-24. Council committees.

(a) The city council may meet as the committee of the whole, which shall be comprised of the entire governing body, and the council president, or the vice president in the absence of the president, shall preside over the committee of the whole meeting. In the absence of the president and vice president, the member in attendance with the most seniority shall preside over the committee of the whole meeting. The committee of the whole reports its recommendations at the conclusion of its deliberations.
(b) The city council may form such standing and special committees, and refer such matters to such committees, as it deems appropriate.
(c) Notwithstanding the reference of a matter to a committee of the council, and the absence of a report on such matter from the committee, and even if the committee has not yet had time to consider initially such matter, the city council as a whole may take up such matter at its own discretion.
(d) A majority of the members of a committee, including positions on the committee which are vacant, shall constitute a quorum; however, the absence of a quorum shall not prevent the members of the committee appearing at a meeting which has been properly noticed beforehand from informally considering the matters on the committee's agenda, and any other matter which might properly come before the committee if a quorum were present, and from reporting informally to the city council concerning their respective views about such matters.

Ord. No. 5133, § 1.

From North Dakota Century Code

The council shall perform all duties prescribed by law or by city ordinances and shall see that the laws and ordinances are faithfully executed.

N.D. Cent. Code Ann. § 40-04.1-07 (West).

Title VII Alternate Reporting Procedures

A complaint can be made by a third party, such as a friend, relative, or coworker, and need not be made by the target of the harassment. For example, if an employee witnesses a coworker being subjected to racial epithets by a person at work, and that employee reports it to the appropriate personnel in Human Resources, the employer is on notice of potentially harassing behavior. Similarly, even if no one complains, the employer still has notice if someone responsible for correcting or reporting harassment becomes aware of the harassment, such as by personally witnessing it. Available at https://www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace

See Clark v. United Parcel Serv., Inc., 400 F.3d 341, 350 (6th Cir. 2005) (concluding that the employer had notice of harassment that was witnessed by supervisors with a duty to report it to management, where the employer's anti-harassment policy required "all supervisors and managers" to report such harassment to the appropriate management personnel) (emphasis in original). *Id.* at 349 ("While there is no exact formula for what constitutes a 'reasonable' sexual harassment policy, an effective policy should at least . . . require supervisors to report incidents of sexual harassment.")

INTERVIEWS OF CURRENT AND FORMER EMPLOYEES OF THE POLICE DEPARTMENT AND DISPATCH

The following summarize the statements made by individuals and highlight the concerns expressed to the interviewer. Many individuals had opinions regarding investigations, discipline, resignations but lacked any personal knowledge about what happened and how decisions were made, and by whom. These are not verbatim statements unless quotations are used and there are no recordings of the interviews.[5]

Captain Dale Plessas

On October 1, 2024, Heintzelman interviewed Dale Plessas. Plessas is the Investigations Commander who holds the Civil Service rank of Captain. He has been with the Police Department for 23 years. The rank structure is officer, senior officer, sergeant, lieutenant, captain, and chief of police. Plessas was promoted to the position of Investigations Commander in 2020, the same year by the previous chief, Jason Olson. He describes Olson as a "darn good guy."

John Klug was selected as Chief of Police at the beginning of 2020 and COVID. It was very difficult to manage through COVID. During this time, Chief Klug told everyone to stay out of dispatch because they were so shorthanded and he did not want anyone to get sick. There was a code given to sergeants to get into dispatch. Sgt. Wilk was going into dispatch off duty contrary to Chief Klug's order may have given out the code to other officers who went in off duty. Wilk was interviewed several times and said he did not remember giving out the code. Officers were disciplined and it was determined that Wilk lied during the interview and he was terminated for lying under *Giglio* for doing so. it was an unpopular decision. Allegedly, Chief Klug did not ask the investigating officer before making the disciplinary decision.

As Investigations Commander, Plessas oversees the investigations division, including detectives; task force; bomb squad and crime scene unit, intelligence, and internal investigations. with a new Professional Standards Lieutenant: late 2020. Plessas got the PSL assignment if a lieutenant was under investigation.

[5] Where applicable, an investigation was made into the existence of supporting or contradictory documentation.

Plessas is aware of the Batteiger situation with the discrepancy in the location of the heroin. He does not believe there is any concern that Batteiger lied or stole the drugs. There is also an issue with Batteiger having a sexual relationship with a domestic violence victim he met at a call.

The Operations Commander is Justin Sundheim and the Administrative Commander is Jason Sundbakken.

Chief Klug has made some very unpopular decisions, such as instituting a policy of transferring people out of specialty assignments after a period of time. There is a memorandum describing the process. Attachment 41.

Plessas discussed the Back the Blue grant program which supports hiring police officers. The police department requires 60 credit hours which is the equivalent of an associate degree. They recruit from Alexandria Tech Academy a technical college, but the hiring and recruiting is done through Human Resources.

I asked about some of the individuals that were identified in Fuller's notes. With respect to Amanda Somerville, Plessas told me that she lied to a supervisor about calling somebody back and she had not done so. When the internal investigation was conducted, she saved herself by telling the truth.

Concerning Shannon Lackey, Sundbakken investigated her off-duty interaction with Jenna Bjork. Shortly, thereafter, there was an issue in a bar which resulted in Lackey resigning.

At some point, the City received anonymous letters regarding Chief Klug's conduct many years ago. This related to alcohol issues.

There was a Center for Public Safety Management study regarding the police department.

There was animosity about moving a particular sergeant off the night shift and onto days. While shift selection is based on seniority, there was some stagnancy in people remaining in the same shift assignment for long periods. Now there is a limit of four years in specialty units or assignments.

Lieutenants must go where they are assigned by the Chief. There was an issue regarding Lt. Scott Redding who worked the night shift. He was injured and worked light duty on the night shift for a long time. At some point, he was told that the Department could no longer provide light duty. That same accommodation was not extended to Steve Kenny, who was on extended sick leave and then resigned/retired. Thereafter, the City made some changes to the benefits policy and created a PTO policy which also created some animosity.

There is a core group of people angry at Chief Klug including Scott Redding, Steve Schoenrock, Anthony Hugg, and Jay Bloyer who were all moved off of nights. There were concerns that the night shift was developing a bad attitude towards the administration and segregating themselves from the rest of the department which was the reason for instituting the rotating shifts.

If he has a criticism of Chief Klug, it would be that he has "analysis paralysis." He wants to make the right decision but in trying to do so, makes no decision. By way of example, Plessas identified the uniform/grooming policy. Chief Klug created a committee to look at the issue, they made recommendations, but Chief Klug did not follow through and accept or implement any policy. He gave them "no shave November" 2023 and then extended it to April 2024 and then it disappeared.

Plessas investigated the allegations of missing heroin against Batteiger. He did not agree with the Chief's decision not to dismiss Batteiger as a result of that investigation, but did not think it was a wrong decision. He believes there is an honesty and integrity issue associated with that incident. Lt. Chapman was responsible for the Canine Unit and he received discipline as well. He does not know what discipline Connole received related to this issue. He also does not know what policies were changed as a result of that investigation. Plessas believes there should be a notification process for internal investigations and discipline to the Human Resource Department and the City Manager. There was also an issue with the location of discipline and personnel files. information was not making its way to the "official" personnel file in the Human Resource office.

Previous chiefs issued suspension or loss of pay shortly after the investigation was completed. Chief Klug is slower to get that done.

Chief Klug created the Professional Standards office which conducts policy reviews; use of force reviews; and internal investigations.

The department has body cameras on all patrol officers and detectives. They are all issued body armor. There was no mandate for change within the department when Klug was appointed. The department is Lexipol-certified. The department provides training for officers/command staff including anti-harassment training annually.

There is no discussion of what happens as a result of an investigation into an officer's conduct. There is no distribution of information/policy changes.

On November 6, 2024, shortly after another officer's suicide, we spoke to Plessas again. Plessas stated that now all members of the Police Department, including dispatchers are required to speak to a counselor after such a traumatic occurrence. As for the services, everyone at the department, including the dispatchers, is being kept apprised of the funeral arrangements via the "Chief's Messages" page on Evertel. Command is also staying cognizant that individuals may have different perceptions, reactions, and well-meaning actions may have contrary effects, such as removing a dispatcher on duty during a traumatic event. Her perception was that she was being removed from her support system. Plessas is going to follow up with the dispatcher to let her know that she was heard. Whenever he is at City Hall he will stop by the dispatch center and he acknowledges everyone there. Wayne is usually out on the floor Margaret is usually in her office and Plessas will stop by her office to see how things are going. She updates him on some disciplinary issues that Wayne brings up to her.

Acting Chief Plessas has been trying to make decisions more quickly as these long-elapsed periods of time in decision-making in time were a sticking point under Chief Klug. Plessas has cleared out all the backlogged discipline that was on Chief Klug's desk and has reached a 1-year agreement with the pound for stray animals. Plessas has regularly visited the midnight shift, is trying to talk to people frequently and being more approachable.

Plessas did not second guess Chief Klug's decision on the beard policy. He has never heard Chief Klug say to anyone or about anyone that they were replaceable. Plessas is currently still responsible for Investigations.

Regarding Greg Johnson's shortcomings as a supervisor, Plessas with Lt. Dyke is trying to get him where he needs to be. He should be doing more supervising and less investigative work. Considerations are being made about whether to keep him in investigations. Plessas is not involved at all with the McLeod

investigation as he is his brother-in-law. There are still issues with everyone knowing everyone's everything and gossiping. The speculative nature of individuals has been an issue since Chief Balentine. They have been trying to find a balance between how much information to release to the entire department and maintaining confidentiality. Off-duty conduct for officers is affecting the applicant pool – conduct unbecoming, negative attitudes, and backstabbing the department. Plessas recognizes that most issues are with the lower ranks.

As a result of the 2021 investigation, Lt. Shawn Wegner was taken out of investigations where he really did not feel in his element. The department is trying to implement some of the recommendations from the 2024 Center for Public Safety Management organizational study.

Plessas stated that Chief Klug tried many different approaches. Chief Klug did try to meet with the night shifts and brought in dinner, but not regularly. Chief Klug spent many long days working in his office, but unfortunately, he was not out there with everyone else. Chief Klug gave the night shift options as far as when to receive the pin, but Plessas recognizes that people may not take an offered option. Plessas will come back for the night shift after leaving on time. Plessas does not think the night shift cliques exist anymore. He involves HR and the City Manager in all his discipline decisions and receives the benefit of the guidance, perspective, and knowledge of their position. He was not given a choice, which turned out to be a good outcome. The relationship with Ward County has been good and professional.

Plessas has kept his distance from Chief Klug so as to not compromise the investigation. The potential return of the Chief will be very positive for some and met with frustration from others. Plessas wishes that division did not exist. He hopes that in the end the problems will be addressed and the Department can move forward.

Sgt. Taylor Jensen

On October 1, 2024, Heintzelman interviewed Taylor Jensen. Jensen has worked for the Police Department for approximately twelve years. She was promoted to the rank of Sergeant in 2022. She is the Minot Area Bomb Squad Commander and is a canine officer whose canine specializes in recognizing/identifying explosives. She gave me copies of documents identified as Attachment 15.

Jensen told me that in early 2022, Eric Laudenschlager retired his dog Lois The next canine handler was Batteiger. Batteiger lateraled over from another agency. He was at the department for three years. He qualified for the canine unit and had no use-of-force issues. He was selected and took on canine Cyrus. Part of the process was to attend a twelve-week course and maintain a yearly certification. In 2022, Batteiger went to Minneapolis, Minnesota for canine training. Batteiger was getting a divorce and separated from his wife. While he was in Minnesota, he was using the department's take-home car to go to Fargo to see a dispatcher he was dating. Jensen believes this is wrong because he was missing training with the dog while he was on the road. In 2022/2023, Batteiger received several write-ups for a traffic stop and lying although she did not indicate how she had personal knowledge of these circumstances or disciplinary action. During one situation, she had her dog Caspian out on a scene of a call to find shell casings. As they were looking for the casings, she recognized Batteiger's truck at the home of a female where he had arrested her spouse on a domestic violence call. Batteiger initially denied any sexual encounters and said that he was just being "good company." However, during the internal investigation, he admitted that he (Batteiger) was sleeping with the woman he met on the call. She thinks this situation happened before she was promoted.

Batteiger wanted canine hours, but the dog started regressing. Between September 2022 and October 2023, Lt. Chapman who is the canine coordinator, and Jensen started seeing the dog regressing and not hitting on any calls/cars. They tell Batteiger that these are the things we are seeing and provide him with some guidance on what he (Batteiger) should be doing to address the problems. Batteiger did not listen to her about this issue. Jensen told Sundheim in early 2023, about seeing Batteiger at the domestic violence victim's house. Sundheim told Jensen "We're not morality police."

On September 14, 2023; Jensen wrote a letter to the captain highlighting the mission statement and policies of the Police Department. She indicated there was an issue with Batteiger' s canine hours. He received discipline for not recording hours. She recommended that in light of the issues Batteiger was having with the dog, that the dog be removed from Batteiger. Attachment 15.

Thereafter, Connole was looking for the drug kit to take his canine out for training. The drug kit contains drugs from the DEA that are used to train canine officers. They discovered that the heroin was missing. Jensen and Chapman had to take drug tests to determine if they had any heroin in their systems.

After an investigation by Captain Plessas, Captain Sundheim and Chief Klug decided that they would strip Batteiger of all of his responsibilities in training and that he would lose the canine. They sent him back to patrol as a Master Officer. A Master Officer has five years on the job and a Senior Officer has three years on the job. An officer needs five years on the job to be eligible for the sergeant's promotion test.

During our interview, Jensen said that she does not agree that there is no discipline in his file for the missing heroin. Chief and Captain sent out an Evertel message that Batteiger no longer had the dog. Canine Cyrus went to Chapman's house until they found another handler. Batteiger has been telling people he was too busy and did not have time for the canine. When asked by Sgt. Schoenrock why are you lying about losing the dog, Batteiger said that it was too embarrassing to tell the truth.

The investigation did not uncover what happened to the drugs, but Jensen does not believe that taking the dog from Batteiger was a sufficient punishment. She thinks he should be fired, because Somerville was disciplined for lying and Wilk was fired for lying.

While Jensen also stated that there was a rumor about Batteiger and a young girl, Jensen had no personal knowledge and that rumor was subsequently investigated and determined to not be credible.

The Police Department has low morale and she attributes it to tolerating Batteiger and the changes that were made to the night shift.

Jensen is also upset about the way Krysta Becker was treated. Becker had a mental health issue and was left with a $4,000 bill for mental health treatment. Becker refused to work with Batteiger.

Jensen is upset about how discipline is decided and how duties and responsibilities are given out. The Chief decides who gets promoted. She believes three guys were passed over that should not have been passed over: Eric Laudenschlager, Lakoduk and Jay Bloyer.

She also indicated that the Chief has not released the patrol evaluations for 2023. Jensen has not had a one-on-one interview. She also mentioned that the Chief has not acted on the beard policy that the committee submitted to him in November 2023 and it is now November 2024.

Former Officer Aaron Moss (FOP Representative)

On October 1, 2024, Heintzelman interviewed Aaron Moss. Moss worked for the Minot Police Department for approximately 19 years and one day as a patrol officer. He is currently an FOP executive board member and representative for the North Central FOP Lodge, which includes officers from North Central North Dakota and they also have members who are sheriff deputies. They have approximately 125 members. The Minot Police Officers, of which there are approximately 80 sworn, are the largest group of officers in the lodge.

Since April 2023, he has been working for the federal government in a division of the Veterans Administration. He is also a part-time deputy for a jurisdiction that is northwest of Minot. Moss told me that there is no collective bargaining agreement for the peace officers in the state of North Dakota.

Moss spent three years at the Minot Police Department, while John Klug was the Police Chief. He finished his tenure as a Master Police Officer and served in the capacity of Community Outreach Officer working Monday through Friday, eight to 5 o'clock. Before that, he spent 11.5 years as a Patrol Officer.

Moss also served as a field training officer (FTO) for some period of his tenure. As an FTO trainer, he told his recruits that if the job makes you miserable, you need to find something else to do. Moss felt that he was heading in the path of being miserable, so he left the department. Moss said that he wasn't pushed out the door. Rather, when Chief Klug decided to rotate officers out of specialty assignments, he did not agree with that principle. Under this policy, Moss was going to be rotated out of the position of Community Outreach Officer, so he put his name in for promotion. He knew that he needed to have a more varied experience to be competitive and therefore put in for other specialty assignments/staff duties, such as evidence and records.

He also took the sergeants examination and was on the promotions list. He stated that the promotions list was based on a testing process. There were two vacant sergeant positions, which means the city or department would look at the top five people on the list and make their selection from those five people. While Moss was in the top five in the rankings, he was not selected. He indicated that Chief Klug called him and told him that he had not been selected.

Moss believes that because he had spoken up against Chief Klug, he was not selected for those other positions and probably did not have a shot at being selected for promotion. Moss said he had members come to him with complaints about the department, such as a lack of communication from the Chief and/or Administration. He stated that officers felt that working the chain of command did not get them a response back from the administration. Other concerns relayed to him were equipment failures and officer safety (radio incident). Moss described an incident where a patrol officer was concerned that his radio didn't work. Neither the FOP nor the officer filed a complaint or grievance over the issue. Concerning the radio issue, Officer Shaide was complaining that his radio was not consistently working. Moss stated that nothing was done to respond to the radio issue. As a result, there was an incident where officers responded to a call and were required to use their cell phones to call 911 to get back up. Moss was not present during this incident. (Later in my interviews, I spoke with Shaide who had the issue, he was able to communicate via his radio and did not use a cell phone.)

Moss indicates that he and Kenton met with Chief Klug regarding the communication issue in the department. Moss described Chief Klug as raising his voice when they told him that his downward communications were not making it past the Captains. Moss indicated that previous Chiefs would have

quarterly meetings with the union to address any issues. The union was fielding concerns regarding the department. Moss also said that every previous Chief would hold patrol meetings and that patrol officers would get comp time for attending the meetings. It was an opportunity for a free flow of information. The meetings were stopped during COVID-19 and have not been picked back up.

Moss complained that Chief Klug never provided his overall plan and vision for the department. Instead, Chief Klug would implement changes without much of an explanation. Directives were dropped on the department without explanation. Moss's perspective is that Chief Klug is dismissive of other people's feelings and that he doesn't have an open-door policy. In 2022/2023 Klug implemented the decision to rotate some members out of their specialty assignments, and people were furious. He indicated that there was no advanced communication with the FOP to let them know it was coming. Apparently, at one point there was a meeting that all officers attended to explain the rationale for the decision to move people out of their specialty assignments, because people were so upset. During that meeting, some identified the negative effects of such a change. Based on that meeting Chief Klug did not change the schedules for detectives. However, during that meeting with personnel, Chief Klug expressed his opinion that it was not his responsibility to take care of the officer's individual needs. Rather, as Chief, his responsibility in managing the organization was to prioritize the organizational needs of the department. This description is inconsistent with the email that Chief Klug sent to the department explaining the changes being implemented and the opportunities available to officers depending on their tenure and experience.

Moss also raised the issue of disparity in discipline. He stated that some women claimed they believed they were being discriminated against. This issue of discrimination was investigated in 2021. Attachment 23. Surprisingly, Moss indicated that the FOP did not know that the City had a grievance process.

In 2022, a Minot officer, Pat Blanchard, committed suicide. That caused the City Council to take an interest in officer wellness and, at the time, one of the council members was a forensic psychologist. They asked for a meeting with the FOP executive board to discuss what could be done for officer wellness. Moss believes that the pressure from the City Council is what caused Chief Klug to discuss the implementation of an officer peer support program.

A group of employees formed a wellness committee to address mental health issues in the workplace. There are no state statutes regarding police officer wellness. Employees spent a significant amount of time preparing documentation and presenting it to Chief Klug. Chief Krug responded that he would "look it over " and they never heard back from him. Moss said that the was done eight months ago. He indicated that Chief Klug's response to the work that the employees did for a wellness program "lit the fuse for him" and he left the department.

As part of the sergeants' promotional process, there is an in-person interview. At the end, a question is posed to the candidate by Klug or one of the Captains to the effect of: "What can we do better?" When Moss was asked this question, he told the interviewers that there was an appearance of unapproachable ability from the Captains and the Command Staff. He further indicated that using the chain of command was pointless, because the communication downwards never occurred.

Moss describes Sundheim as ferocious about supporting Chief Klug.

When asked about the vote of no-confidence letter, Moss said that the letter was intended to get better communications with the City and a more stable work environment. The letter generated a discussion with Alderman Fuller.

Moss indicated that he and Kenton approached a newly elected Alderman, Rob Fuller, regarding the issues they were hearing about from the FOP Lodge members. Both Kenton and Moss were frustrated, because the Police Chief would no longer sit down and speak to them to discuss the issues they were fielding. After several conversations, with Fuller, Fuller told Moss that he was going to "get to the bottom" of what was going on. Moss indicated that there were budgetary issues in the department and that they had made some changes concerning overtime and officers being required to request overtime versus simply working it. He indicated that other departments pay for 100% of family medical coverage, but the Minot Police Department does not. He also indicated that as a result of Klug being appointed the Police Chief, there have been a lot more officers leaving. He indicated that officers did not leave as a result of the previous Police Chief, Olson. Moss indicates that the three previous chiefs' had a concern for the individual officers at the forefront. Now it's more of a job than a profession for him. Moss indicated that the perception has never been that the imposition of discipline was nefarious. The previous Chiefs communicated that the imposition of discipline was to try and make you a better officer. He indicates that it was rare to have discipline imposed and that there was no feeling of disparity of discipline from other Chiefs. The feeling was that the Chief was reinforcing a recognized standard. That is not the perception that the department has, at least from Moss's view, of Chief Klug.

Kenton Kossan

On October 23, 2024, at 3:00 p.m. CT Heintzelman and Koelbel interviewed Kenton Kossan. Kossan started working in early 2018 and had 9 years of experience as a patrol officer. He was a Senior officer and then Master Officer under Chief Olson. He resigned in February 2023.

Kenton has read and acknowledged the Minot Police Department Policies and the employee handbook. Kenton was not aware necessarily of the grievance procedure or complaint procedure. He did not receive any discipline. He was aware of the policies which were handled by the direct supervisor. He has never received a letter of reprimand or anything.

Regarding his relationship with Chief Klug, because of his position in the labor organization, he maintained a non-contentious relationship with the Chief. He understood that the Chief would come up with directives and policies. Kenton advised the Chief that he should "use us to help you." When Chief Olson reached out to the union to come up with a drug testing policy, the union worked with Chief Olson and the Chief would approve what was presented.

Chief Klug, however, did give the union any advanced notice. For example, when he wanted specialized positions in the department and did not include the Union. Kenton brokered a meeting between the membership and the Chief to try to smooth the waters and identify things that could be compromised. The new policy would establish a three-year max stint for the specialized positions, e.g.: Detective or SRO. Kenton's concern with the three-year limit was that an officer did not have enough time to learn the position before they had to move. The SROs, for example, do not even get to see the freshmen class graduate. It takes a specific type of cop to be an SRO, so that may limit the pool of individuals willing to take the assignment. They must be able to handle an active shooter situation and deal with kids on a non-aggressive manner. Detectives need mentoring and time in the position. He did not think it needed to be

a hard and fast rule It was not meant to be a Chief bashing session, but to voice an opinion. At the end of the day, the Chief's position did not change.

Jay Haaland, who left, used to be SRO for seven years, ten years walking out the door. Stephanie Lentz was an SRO with a disposition for the position. The theme was that he thought he saw that people at the school liked working with the specific SRO assigned to their school, but then that person would be gone by graduation.

Aaron Moss (other FOP rep) and the Chief got into a yelling match about the incident where an officer's radio did not work. The Chief did not appear to want to hear what they had to say about the officer safety issue.

Kossan also raised the issue of employee insurance contributions. A police officer with a family had a monthly employee contribution towards the cost of health insurance of $200-$250 for insurance, which is higher than the surrounding towns. The retirement pension was based on the Rule of 90 – years of service plus age to get a certain percentage of your pay during retirement. The union had been trying to convince the City to go to the Rule of 85. Their requests were ignored until this budget cycle. Both the Police Chief and Fire Chief supported the change and it appears to be moving forward.

Kenton served a year in the Minot City Council. He believes there are inherent problems in the department that are causing people to leave the Police Department. Kossan said that Alderman Fuller told him that there are 200 years of police experience lost under Chief Klug.

Kossan believes that the culture at the Minot Police Department is not good and that there is an ego/attitude that precludes common sense. He believes that there is a lack of collaboration both within the department and with other agencies. By way of example, the. the relationship between the Sheriff's Office and the Police Department is not good.

Currently, Kossan is an undersheriff for a different county. Sheriffs from other counties do not want to have anything with Chief Klug. He was number two on the promotion list and six people were promoted off of it, but not number one and number two. Aaron Moss was number one. After being passed over twice, Kossan did not care to know what the reason was for being passed over. He assumed that he would not be promoted, even though Kossan has a spotless personnel file.

Councilman Fuller said if they had known that those investigations into the Chief's past took place then he may not have become Chief (the Chief's records were purged consistent with City Policy). Since that time, the retention policy has been changed.

There was a lack of leadership, lack of communication, and an inconsistent disciplinary process. Olson was great.

Belinda Gladback

On October 2, 2024, Heintzelman interviewed Belinda Gladback. Officer Gladback has been a patrol officer for 8-1/2 years. She has worked midnights for the past two years. When asked why she wanted to work midnights, she indicated that she wanted to stay away from everyone. She also indicated that gets migraine headaches, but has not gone to a doctor to request accommodation for working the night shift.

In the past, she has had issues working with certain Sergeants and Lieutenants, but when she spoke to her ex-husband about it, he did not agree with her perspective on how she was being treated. She received a very bad evaluation from Sergeant Foley. In 2021, Sgt. Foley told her that she was "not where she should be if she wanted to be a Master Officer." The Master Officer is a test that officers take after they've been with the Department for five years. She indicated that she made grammatical mistakes in her reports, but did not think that the mistakes changed the substance of the report so she did not understand why she was criticized for the mistakes. She said that Sergeant Foley made working for him difficult. Amanda Somerville, Mat Cole, and she had to "dot their 'I's' and cross their 't's'" to stay out of trouble. She got into trouble with Officer Olson indicating that he did not like a comment she made about a child being "ugly" because a child had special needs.

She said that Sergeant Strandemo is much easier to work with, because he's supportive and talks to her. She believes there is a stigma around her that she is difficult to work with or that she makes things difficult for other people. She applied, but did not get an assignment to be an FTO or an SRO. She does not know who the other applicants for those positions were or whether they were more qualified for the position. She does not know whether they had any problems with the consistency of their police reports she thought her reports looked fine to her. She complains that the lieutenants would "get on you" if you did anything that was outside of policy. She identified Lieutenant Wegner as one of those lieutenants. She believes that the smallest fraction would get you counseling. She recalls a situation where Lieutenant Wegner shoved the notebook in her vest and said "If you're going to carry a notebook, make sure it isn't seen." She indicated that at the time, she had a notebook in her vest, which was popping up the top of her vest pocket.

Recently, she scratched the side of the squad car. She told Sergeant Strandemo who took photos and documented the damage. She compared that situation to Jessica Presley having an "at fault" car accident. She claimed that Presley totaled three cars and did not have to write a "dear Chief letter" about the accidents. Gladback thought the incident was over after she wrote the report, however Lieutenant Wegner called her into his office to talk about it. Gladback indicated that anytime she or an officer gets talked to, the sergeants are supposed to know about it. Her sergeant told her that's the way it's supposed to be. However, Sgt. Strandemo told her that he thinks Lt. Wegner is harder on women. Sgt. Strandemo indicated that he saw it with Sergeant Taylor Jensen as well. She indicated there were several incidents with Jensen that he went to Captain Sundheim about with a suggestion on how to fix it. She started documenting things when a male officer engaged in the conduct and how they were treated. Gladback says that now marijuana is charged as an infraction, which is slightly more than a traffic ticket. You have to be charged with it three times before it becomes a B misdemeanor. Patrol Officers have the discretion whether to charge or not to charge marijuana. She states that Patrol Officer William DeNovio was there and that he made a decision not to charge someone with a marijuana violation and did not get talked to you about it. There is no indication that a Lieutenant knew about DeNovio's decision not to charge the marijuana incident. A couple of weeks ago, Gladback worked 10 hours and was late to training. While she was at training, she received three emails and a message on the patrol application about completing a report on an "M" case from Lt. Wegner. An "M" case is a statutory rape case, because of the age differences between the victim and the offender. The victim was a willing participant. The phone was dumped and the report was due. Gladback says that during a meeting, in which Strandemo was there, Wagner called her out in front of Caisee Sandusky, and Officer Andrade. Andrade said she was disrespectful. She's one of the individuals who works midnights along with Strandemo, Scott Redding, and Whitesell. Gladback thought that Jensen went to Human Resources about Lieutenant Wegner

She indicated that Sundheim asked her if she was interested in the noon to 10:00 schedule. She does not think she is interested.

Sgt. Noyes does not follow up on stuff and has covered up for Becker. By way of example, Becker had a ride-along and engaged in a pursuit. She has pepper-sprayed some people in a bar. Gladback does not know what discipline is, because Jensen and Noyes are best friends. Gladback says that Chief Klug and Lt. Wegner have separate files on people, but she doesn't know how she knows that information. She has not seen the files.

Alderman Rob Fuller

On October 2, 2024, Heintzelman met with Alderman Rob Fuller regarding this investigation. Alderman Fuller had met with 13 current or former members of the Minot Police Department, including a few dispatchers. He had taken notes of his meetings, which he then transcribed but did not identify the individuals with whom he had spoken. Alderman Fuller said that he does not have a background in human resources or employment law. He stated that his experience in conducting this investigation is as a businessman in the City of Minot. He previously owned a gun store, Spartan Arms where he employed several current or former police officers. Based on our conversation, Fuller employed several individuals, who did not leave the Police Department on good terms. Over the years, he has heard complaints from people regarding their departure from the City's employment.

When asked about his notes, including some of the conclusions that he had in those notes. He indicated that he does not have a background in human resources and is not an attorney. He stated that those notes were his stream of consciousness and thoughts as he was listening to the individual tell their story. Alderman Fuller did not indicate that he had any experience in police operations, procedures, police organizations, or discipline or management. He did not indicate that he had taken any police leadership courses or training or that he had ever been a police officer or supervised a police department.

Fuller indicated that the city was considering building a new police department and as part of his efforts on fiscal responsibility, he and Scott Samuelson were wondering why they should build a new police facility when it appears as though there are officers that are leaving the department in significant numbers. He did not indicate how the departures would support or contradict the need to replace a building that may be past its usefulness.

He has known Harold Stewart and Stefanie Stalheim, because he was a business owner in the City of Minot.

Alderman Fuller was having conversations with officers and asking what was going on at the Police Department. When he heard complaints, he solicited information about how the officers believed the City could fix things. A Master officer by the name of Dan Batteiger kept coming up.

The Thursday after Labor Day, he spoke with Chief Klug, Stalheim, Stewart, and Human Resource personnel Monica Porterfield. He indicated that Chief Klug got defensive during the meeting as he did not like to be questioned about why Dan Batteiger still worked for the City. Chief Klug indicated that he knew where this was coming from, referencing Officer Batteiger. Fuller indicated that there was an issue with Batteiger's ability to manage his canine and missing heroin. Chief Klug was adamant that Batteiger was a reformed officer and that there is nothing else going on with Batteiger. After the meeting, Fuller also told Stalheim and Stewart about some allegations that a 16-year-old girl had made regarding "being" with Batteiger.

As a result of the meeting, the Chief was put on administrative leave on September 11, 2024. When Stewart met with Chief Klug about why he wasn't told about the heroin, Fuller indicates that Chief Klug told Stewart that he "did not think you needed to know yet"' Fuller indicated that Stewart, the Mayor, Lisa Jundt, and Stalheim were asked to recount some meetings with the Chief.

Fuller was upset that Klug went to the Ward County Sheriff after a call where Becker was the deputy on the scene where she made some statements about checking body cam footage to ensure that everybody is "staying honest" Fuller believes Chief Klug went to the Sheriff to retaliate against Becker. He also thinks there is another with a 16-year-old and Batteiger. Fuller also is concerned about Lieutenant Matt McLeod being on the force as a result of some complaints from Valley City, North Dakota, one out of Montana, and Idaho. He was placed on administrative leave until a decision not to prosecute was made by those agencies. Fuller indicates that Steve Schoenrock keeps asking why Dan Batteiger has "a hook" in the department. There were some allegations that Batteiger had been spying on the midnight shift on behalf of the Chief, and therefore the Chief was not going to take any disciplinary action against him.

Steve Schoenrock

On October 2, 2024, Heintzelman interviewed Steve Schoenrock. Schoenrock is a Sergeant working in the Police Department and worked the midnight shift until 2023.

Schoenrock was aware that there was an investigation regarding some issues in the department. I asked him to explain to me any issues he was having at the PD. He said in 2021, some female officers who worked in detectives were having a lot of trouble with their supervisors, Lt. Wegner and Sgt. Wilk. He said that Officers Talbott, Lentz, Guerton, and Asham were complaining about having to come to work when the administration stayed at home and they were also complaining about Lieutenant Wegner and Sergeant Wilk but he did not identify anything specific. He suggested that Captain Plessas oversee detectives. Schoenrock did not tell me that there was an investigation into these allegations in 2021 that did not sustain the allegations against either command staff member. Attachment 27.

When COVID hit, there was no administrative personnel in the building at any time. The detectives were working from home, and only the patrol officers were in the Department working. He talked to the administration about the issues and that the assignments were being treated differently. He thought that they were harder on the female officers. He also thought there was an issue with disparate discipline as Shannon Lackey had some alcohol issues, but she and Chief Klug were good friends, and therefore her conduct was allowed to continue.[6] Lackey told Schoenrock that she was "on the inside," so when she was caught lying, she kept her job. Schoenrock compares that statement to what happened to Sgt. Wilk who was terminated for lying in an investigation about giving out the passcode to others to get into the dispatch area during COVID.[7]

Schoenrock said that he had no issues at work before an investigation report came out in 2021. Thereafter, he was pegged as an instigator, because he said that if things didn't change, people would leave.

At some point, Captain Sundheim had a meeting with the patrol officers to provide an opportunity for "free talk" pre -2022. The meeting was an opportunity for patrol officers to identify the issues are having

[6] Lackey resigned based on some altercations that would have led to disciplinary action.

[7] The Chief limited access to the dispatch center to minimize the potential for transmission of COVID since the department had to maintain emergency services and the dispatch center was short-staffed. The risk to the public was unknown at the time.

at work. Schoenrock told the people on his shift that they have "no right to complain if don't go to the Captain and speak" when they have the chance. Schoenrock describes Sundheim as a narcissist, because he always has to be the smartest guy in the room. He took all the comments and complaints personally, and after that meeting, anyone who said anything in the meeting that put in for special positions did not get them.[8]

Schoenrock had some medical issues with his neck and was struggling with pain. He was called into Captain Sundheim's office with Lieutenant Wegner. He was handed a letter that outlined how he was responsible for the poor attitudes of the people on his shift. He was asked whether he had given officers talking points to come to the "free talk" meeting. At the "free talk" meeting, Sundheim said that the shifts were too "clicky" and that they should think of the department as "one shift". In response, the night shift, and others, began kissing their index and middle fingers and raising their hand above their head (reminiscent of the Hunger Games/Sammie Sosa kiss?) and saying, "one shift." Schoenrock claims that it was not a passive/aggressive "fuck you" to the captains, but not surprisingly, that is how it was interpreted. Lt. McLeod was the one who brought the issue to Schoenrock's attention. Schoenrock indicated that he apologized to Lt. McLeod about the gesture.

At the time, Schoenrock wanted to stay on the night shift. He believes that Sundheim and Wegner were looking for an emotional reaction from him, so they could take some sort of disciplinary reaction against him. He believes that the letter is in his personnel file.

He was reassigned off the night shift onto the day shift so that the department could provide some oversight from one of the lieutenants. He said that his evaluations have been four and five over the past few years and now he was rated a two in one category. He went to the Chief about the reassignment. Chief Klug told Schoenrock that he just let Sundheim "do his thing" and now he is supervised by Lt. Haug and Lt. Wegner. Sundheim accused him of spreading rumors and not going through the proper channels. Schoenrock is the Senior Sergeant and should be able to choose the shift he works and he wants to stay on midnights. This is inconsistent with his desire to be a lieutenant in that all lieutenants work a day shift.

Schoenrock believes that Lt. Wegner has trouble working with women, because he does not believe they make good cops. He is concerned that Lt. Wegner was moved to patrol and Wegner has had issues with Becker and Jensen in the past. He believes that Lt. Mcleod is doing a good job.

A former officer, whom Schoenrock did not identify, stated that Batteiger confided in him that he had been charged with recording the night shift officers for Chief Klug. Schoenrock was very upset by this, because he knew Batteiger was having money issues. Schoenrock gave Batteiger a job to remodel his basement and fronted him $1000 on the job. The project has been a disaster. Batteiger was struggling to buy Christmas presents for his kids, so Schoenrock gave him some extra money. Batteiger bought his 18-year-old girlfriend a new cell phone with the money instead of buying gifts for his kids. Becker also had a problem with Batteiger. She would not work with him. Becker was angry, because Batteiger was sleeping

[8] Schoenrock received a counseling memorandum during his transfer off of the day shift because he was undermining the command staff after he was not selected for promotion to lieutenant. At the time of Schoenrock's participation in the promotion process, the Chief had established an assessment center process wherein he brought individuals from other departments to assist in evaluating individuals interested in promotion. Chief Klug indicated that a colonel from the Air Force indicated that Schoenrock was not a good selection for promotion because of his inability to control his emotions. This conduct was demonstrated during my interview with him. He is very upset about this decision that happened years ago.

with a domestic violence victim. Becker told Ruelle that she would not back up Batteiger. She was moved to days and then things blew up and she was gone.[9]

Shortly after he was appointed, Chief Klug told some members of the department that they were all replaceable. He states that Chief Klug has been passing over the people on the top of the promotions list. Schoenrock has been struggling physically and put in for some other sedentary positions, like records and the crime lab, but did not get the position even though he believes he was a better fit than the person selected. Schoenrock has been released to perform his job duties by his physician without limitation. Should he need an accommodation, that issue should be addressed by Schoenrock with the Human Resources Department.

C. Shane Johnson

On October 2, 2024, Heintzelman interviewed Shane Johnson. Johnson is the Sergeant of investigations. He has worked for the department for fifteen years and works on the drug task force, which is a multi-agency regional task force with members from BCI, Minot, Ward County, and the Border Patrol.

He believes it is a "good old boys" club in the Police Department to this day regarding decisions and discipline. Sundheim is responsible for the SWAT team. Because public perception is that the SWAT team is militant, they wear body armor, etc., they are not called out to execute warrants. Rather, the drug task force members, who do not have the proper equipment, are required to execute the search warrants without SWAT backup.

There were two openings for sergeants in approximately 2022. The promotion process consisted of a written test and an interview committee. Cole Strandemo was promoted to Sergeant in Crime Prevention and Matthew Pappenfus was promoted to Sergeant in the Patrol Division. There is also an opening for a sergeant in investigations. Johnson said that they tested and scored higher than the individuals selected but were not promoted. He thought both Strandemo and Pappenfus had discipline in their file but that the discipline was disregarded. He believes this is true even though the Chief talks about accountability and transparency. He said that supervisors are reviewing reports, but are not making corrections to the reports. He identified a report in which the officer failed to identify the car involved as a stolen car as the one being driven into the garage. Case no; 2024-00023085.

Johnson said that Tyler Ruelle told Shane Haug that Pat Blanchard had a steroid issue. Also, Jay Bloyer knew Blanchard was drinking.

Sundbakken gives 72 hours' notice for a random drug test. Johnson's name was selected on July 29, 2024. He does not understand why so much notice is given because it takes around 72 hours for drugs to dissipate in your system. Therefore, the random drug test is not serving its purpose.

Johnson told Captain Dale Plessas that Greg Johnson does not do his job and Lieutenant Dyke is not holding him accountable. Greg Johnson used to play poker with Sundheim and that is why he is not being held accountable. Dyke also does not hold people accountable. There are supposed to be seven Investigators, two Sergeants, one Lieutenant, and one Captain in Investigations. Greg Johnson has worked on three homicides and Elijah Hanks ends up completing his cases. Johnson gave an example of Greg Johnson Steve Schoenrock and Anthony Washington investigating a missing individual complaint. They

[9] Schoenrock's explanation of what happened to Becker is missing significant details for which he has no personal knowledge.

searched the basement of the home where he was last seen. They reported to the Captain and Lieutenant that there was no evidence in the basement. He went missing on April 3rd. On April 18th/19th, they were waiting on probable cause subpoena to search electronics on Facebook. They obtained the warrant in June 2024. They used the luminal or Bluestar which detects iron in the blood in the basement. They ultimately found the body behind a door in the basement where Greg Johnson, Schoenrock, and Washington searched. Johnson also identified a series of robbers where an individual was stealing cars crashing into garages and stealing items. Greg Johnson had two cases that could get warrants, but was not able to figure out the other cases with the same *Modus Operandi.*

Johnson identified the Chief's failure to approve the uniform policy as a communication issue. The Chief set a deadline and did not meet the deadline. The Administration always seems to be double booked, so most of the patrol officers don't have one-on-one interactions with the Chief and Administration.

Krysta Becker

On October 2, 2024, Heintzelman met with Krysta Becker. Becker is a former Patrol Officer, who left the City in the summer of 2024. She had been with the department for nine years and was a Master Officer. She is currently with the Ward County Sheriff's Department.

She did not have any problems with former Chief Jason Olson. Shortly after Sundheim and Klug came in, Pat Blanchard killed himself. The patrol officers needed more help mentally to handle what was going on. Becker was having a tough time, because her neighbor also shot herself in the head. She was friends with Officers Jensen and Sergeant Noyes. She had difficulty after Blanchard's suicide and her neighbor's suicide. Becker made some statements about putting a bullet in her head. Sergeant Noyes was concerned. Jensen and Noyes reported the statement and she ended up being [redacted]. Becker is upset, because she thought that Sundheim and Chief Klug said they would support the officers and help them no matter what they needed. She feels like she was let down because she was put into the [redacted]. She says that it was good intention, but poorly executed. It took her four days to calm down. They convinced her that she needed to go for [redacted] in Florida . She was upset, because she thought that the department would pay for all of the cost of the [redacted] but the department ran it through her health insurance. The department paid for her transportation to [redacted] in Florida, but she had a $4,000 bill for the co-pays and deductible. She does not think it is fair that she had to pay any of the bills for her own healthcare treatment.

She was originally on the sniper team with SWAT, but was taken off when she had mental health issues. She had some issues with an individual by the name of Batteiger. He was initially living with her when he was separated from his wife, but she kicked him out of the house when she believed he was sleeping with the victim of a domestic battery call that Batteiger responded to. This happened around the same time as the [redacted]. When she returned, Chief Klug told Becker that she needed to give Batteiger a second chance and be able to work with him. She struggled to deal with the Chief's request to be professional with Batteiger while at work. At some point, Becker told another officer that she would not back up Batteiger if he needed her on a call because he had lied to her. Chief Klug and Sundheim tried to work with her to ease her back into working with Batteiger, but she was not willing to do so. They moved her to days. She told both Chief Klug and Sundheim that she would not back up Batteiger if he called for help, because he was not trustworthy. Based on that statement, Chief Klug told her she had a choice to make and she resigned.

Becker believes that she was the first female sniper in the upper Midwest. She said that her psychologist said that she could continue to work on SWAT, but she was not allowed to do so. She thought this was unfair because Blanchard got a six-month suspension for a criminal offense (DUI) and she got a six-month suspension and never returned to work.

As part of the interview process, we reviewed the documents Becker provided as well as the fitness for duty recommendation and provision of transportation to Florida and expenses. Contrary to her assertions, the psychologist indicated that Becker could train and educate the SWAT team, but did not say she should respond to calls in the interim. The fitness for duty report also indicates that Becker needs to realize that she is responsible for her mental health fitness. Attachment 48.

Dave Chapman

On October 2, 2024, Heintzelman interviewed Lieutenant Chapman. He indicated that he has no specific grievances concerning working in the Police Department.

Chapman was identified as part of an incident with Chief Klug many years ago and brought forth more recently in an anonymous email sent in February 2022. The original incident described in the email occurred approximately 20 years ago. Chapman was working on the night shift. Chief Klug was working on the Ward County Drug Task Force. He was going through some issues with his ex-wife. One evening, Chapman had a call out to the Clarion Inn. The desk clerk said that someone had come to the hotel and was flashing a badge. When they arrived, Klug was outside. He was intoxicated and looking for, a woman by the name of Maggie. Maggie is Chief Klug's wife. She works as a counselor but does not work for the City. Chapman talked to Klug and he agreed to go home with Maggie. Maggie was driving home and they were near the courthouse at Third Street. They argued and he jumped out of the car. Chapman, who had been following Maggie, pulled over and talked to Klug. In the anonymous email, it stated that Klug pulled a gun on Chapman. That is not true. Chapman never saw a gun. Chapman said that the incident was not reported, but it probably should have been reported.

This incident has been disclosed to the City and is the subject of a previous review. With respect to this investigation, this incident occurred twenty years ago and is irrelevant to the current events. To the extent it remains the topic of discussion, the discussion is contributing to the gossip and rumors that are deteriorating the morale of the department.

Josh Noyes

On October 2, 2024, Heintzelman spoke with Josh Noyes. Noyes is currently a Sergeant on a patrol shift. He has been with a department for 12 years. He has a good assignment and believes working for the City is a good opportunity.

Noyes believes that morale is an issue. Chief Klug was appointed right before COVID. Since then, Blanchard committed suicide, there have been officer retention issues and people are burned out. He said that the command staff has an old way of addressing or fixing things, particularly retention. He believes that discipline is inconsistent, even though there is a matrix for discipline. Once he was promoted to Sergeant, he received no training. If there are problems on a shift with an officer, they are supposed to address the issue at the Sergeant level, but there is no transparency concerning disciplinary issues. The sergeants do not know what kind of discipline is given out and then there is no transparency as to how one sergeant is

handling a situation versus another. Lieutenant Haug is responsible for internal affairs, but previously it was Lt. McLeod.

There is an issue concerning an officer by the name of Batteiger. He has poor performance and there was an issue regarding Jensen and Becker. At some point Officers Jensen and Becker were at a gun call, looking for brass and they saw a passenger car parked at the house where they had previously been a domestic violence call. They told Noyes about it and he asked Batteiger about why he was at that location. Batteiger lied to Noyes and said that "he was just good company ". Noyes did not put Batteiger's statements into a memorandum and Noyes was never interviewed. When Batteiger was investigated by McLeod, he told the truth about his relationship.

Noyes believes the department enforces the rule that if you lie as an officer, your employment will be terminated. Officers cannot fraternize with felons. Noyes also believes that Amanda Somerville also lied to Sergeants and/or omitted information but was not immediately terminated. Noyes indicates that she would disappear from the GPS for something like 70 days, because she had issues with her boyfriend and only received some counseling. At one point, she was responsible for investigating a vulnerable adult sexual abuse case. She was asked whether the family had been following up with her and if she had failed to return telephone calls. Somerville lied and said that she had never gotten any calls from the family. Ultimately Somerville told the truth during the investigation and therefore was not fired. Noyes doesn't understand why the department kept Batteiger and Sommerville.

Noyes thinks that everything gets politicized and internal investigations take too long and people can sit on paid administrative leave while the investigation is taking place. Noyes did not receive a one-on-one interview like Chief Klug promised. There is an overarching feeling that if the command staff doesn't come up with the idea they won't like it. Neither the command staff nor the Chief takes any of the ideas that are presented by the rest of the department.

Finally, Noyes indicated that the department will not let the SWAT team execute search warrants or arrest warrants for the drug task force or allow them to back up the task force officers. Noyes believes that the warrant execution is an elevated risk that should require a SWAT team presence.

Jacob Olson

On October 2, 2024, Heintzelman interviewed Jacob Olson. Olson was promoted to the assignment of School Resource Officer in January 2024. He has been with the department for nine years and in policing for 10 1/2 years.

He started as a police officer in Harvey, North Dakota. When Chief Klug was a Captain, he supervised Olson and helped Olson stay in his career. Olson was having a tough time with one of the FTO trainers. He had another situation with a promotion test. Captain Sundheim gave him an opportunity to participate in a portion of the interview process via video conference because his daughter had a medical appointment that he needed to attend.

He is very grateful to them for their assistance and how they accommodated his personal family situation. The Command Staff and Chief Klug can do good things.

He believes there is a lieutenant file on individuals working in the department There are a lot of people who talk negatively about the Administration. He discussed Blanchard, and how he had an alcoholism problem and was taken off of SWAT for six months.

He was removed from the FTO program, because they said that he was bad-mouthing other FTOs. He was not happy with being removed. He said that he did not know who decided because Strandemo said that he did not decide to remove him from FTO. He stated that Lt. Wegner and Noyes met with him and said that they could not remove the notation from his department file.

He also mentioned that in 2021 Batteiger collected thirty dollars from his shift and never bought the bobblehead Christmas gifts he was supposed to buy. Batteiger kept making excuses for the failure to buy the gift. Everyone put in 30 bucks and there was a total of 300. Batteiger never bought the gift, but kept the money.

I was told that Batteiger returned the money when he resigned from his position.

Anthony Hugg

On October 2, 2024, Heintzelman interviewed Anthony Hugg. Hugg is a Master Officer in the Police Department. He is also on the SWAT team and he is an FTO. The Master Officer position is an open book-tested position. The Senior Officer position is also a tested position. Hugg indicates that the patrol division has not received their performance evaluations in 2023.

In 2021, Captain Sundheim had a “free talk “meeting. This was an opportunity for patrol officers to speak to command staff with repercussions. They canceled the first date for the meeting. He believes that as a result of that “free talk” meeting, everyone who spoke up was downgraded in Category 8 of their performance evaluation. Hugg showed me his evaluations. In 2019, Hugg had four and five ranking on his evaluation. He is missing his 2020 evaluation. In 2021, in Category 8, he received a two out of five. In 2022, Category 8, he received a three out of five score. Hugg believes that this score was a result of being on the night shift and speaking out as Sergeant Schoenrock suggested they do for the administration to know what their concerns were. Hugg did not identify what concerns either he or anyone else from the night shift raised other than Schoenrock’s contention that he should have been promoted over Dyke. Hugg also did not reference the “Sammie Sosa” kiss symbol or any other that could have been the basis for the evaluation.

Hugg describes the situation where former officer Blanchard was at a bachelor party and became intoxicated. Blanchard was on the SWAT team and received a call out while at the party. He drove drunk and blew out a tire. He does not believe Blanchard received any discipline for this situation. Hugg has no personal knowledge regarding how this situation was handled.

Hugg believes that as a result of the “free talk” meeting, Schoenrock was moved to days and downgraded in his performance evaluation. Miller, Schoenrock, and Bloyer were blamed for the poor attitude on the midnight shift. Because they were also on the midnight shift, Hugg does not believe that Pappenfus or Haug will be promoted past Lieutenant This is an interesting perspective since Chief Klug promoted Pappenfus to Sergeant and Lt. Haug is now in charge of Professional Standards.

Blanchard committed suicide in December 2022. The “free talk” meeting was in the fall of 2021.

Hugg believes that his educational credits were not included in the sergeants' promotional exam. While he does not believe it would have affected his position on the sergeant's promotion list, he wanted to raise the issue.

Hugg is not involved in discipline or investigations, but believes that in 2021 and 2022, there were issues concerning McLeod's conduct but nothing was done about it. He said that they, but did not identify the "they" did not believe that Sommerville, Laudenschlager, or Wilk got a fair shake regarding the discipline they received.

Hugg did not get a one-on-one interview. He provided the email for the one-on-one interviews.

Hugg was also upset about two individuals he put up for a life-saving award. There was a guy that was stabbed in the neck and the two individuals drove him to the hospital. They were juveniles. The juveniles were at a party and may have been under the influence of alcohol in Hugg's opinion. Hugg said command staff showed up for the award and only three patrol officers attended the presentation of the award. Hugg does not understand some of the decisions that are made. His schedule would change in June. He talked to Lieutenant Wegner and talked to Sundheim about staying on the midnight shift. He does not understand why the SROs are not assigned to the extra 12 – 10 shift for the summer while school is out and he doesn't understand why his schedule is changed to the 12 to 10 shift.

Kristian Shaide

On October 2, 2024, Heintzelman spoke to Kristian Shaide. He has been in the Police Department for seven years.

Shaide had a problem with his radio. He went to talk to Sundheim about it. He works on the 12 to 10 shift. For the first half of his shift, his supervisor is Ruelle, in the afternoon, his supervisor is Jensen. He complained to the administration, he did not identify who, about the fact that his radio was not working in places where it should work, e.g., not dead zones. In one instance, he had made a traffic stop and called out for a DUI driver. The driver tried to get away and the officers tackled the guy running to his truck. Shaide called two times to 1078. Nothing was coming out Amanda Somerville was his backup. She called 911. Ultimately, he was able to get the radio out of his vest and use it. This incident occurred on September 5, 2021. Neither he nor Somerville were injured other than a few bruises.

Shaide was extremely vocal about the broken radios and was extremely frustrated with the fact that no one was doing anything about it. In November 2021, he was called into Captain Sundheim's office. Captain Sundheim and McLeod told him that their fight with the suspect was very "vanilla" and there was nothing to complain about. They said that sometimes the radios did not work and that he would have to be prepared to use other resources to call for assistance. Ultimately, Sundheim continued investigating the radio issue and uncovered that there was a short in the connection between the microphone and the radio and all of the radios were fixed. In Shaide's opinion, his complaints about the radio were not taken seriously. Attachment 40, pages 1348-1349, contains Captain Sundheim's investigation and response to the radio issue identified by Shaide dated September 13, 2021.

He believes morale is an issue because the officers didn't see the captain or chief for months. There were only certain meetings scheduled, and there were never any touchpoints. By touch points, Shaide means that neither of the Captains nor the Chief would go out of their way to appear at the midnight shift to interact with the officers and see how it was going. He talked about the discussions they had on the night

shift with Schoenrock about not being cliquey. Somebody came up with the idea regarding "one shift." Shaide insists that the gesture was not mocking of the administration, but the administration thought that the midnight shift people were making fun of them.

Shaide is on the SWAT team. The armor that the patrol officers have is a level two. The SWAT armor is level four. He indicates that he got on the SWAT team to do that type of work, not to just train. He thinks that the administration does not utilize the team enough, for example execution of Warrants. There was some discussion about the fact that Sundheim does not allow the SWAT team to back up the undercover team when they are executing warrants.

He believes that there is poor communication from the administration and that they are focused on the wrong problems and doing nothing to improve morale. By way of example, he believes that the department should recruit more from Minot State University. He thought this was an actionable idea. He had a meeting with Dr. Rabe about whether or not he could volunteer to work with some of the students so that they get to know officers from the City of Minot Police Department, and that may help with recruiting and relationships. After speaking with Dr. Rabe, who told him that the University was all in, he went to Sundbakken to pitch his idea. He never heard from Sundbakken about the idea. He understands that Chief Klug and Dr. Rabe had a falling out which may be the issue. He doesn't understand why that would prevent the City from recruiting at MSU.

There was a survey that was sent to the Police Department, but there was no follow-up on the survey. He doesn't understand why the City of Minot Police Department cannot be fully staffed. The Ward County Sheriff is fully staffed, the City of Fargo is fully staffed, and the City of Williston is fully staffed. He states that the work environment is not good in the Minot Police Department. Shaide said that Becker left the Minot Police Department and took less money to go to the Sheriff's Department. Shaide has no personal knowledge about the underlying issues in Becker's departure.

He thinks the discipline is inconsistent. Two years ago, he backed into a tree and totaled the back trunk of the squad car and received no discipline. A year ago, he got stuck in a snowbank with the squad car. They pushed the car out of the bank with a plow and the plow dented the back door. For the second incident, he received a two-day suspension. Based on these experiences, he believes that discipline is inconsistent.

Radio issue was addressed and fixed in 2021.

Jared Foley

On October 2, 2024, Heintzelman interviewed Jared Foley. Foley was promoted to Sergeant in July 2019. He is currently the Sergeant responsible for the Records Department, which includes being the Evidence Custodian. Before moving into Records, he was on the patrol shift for eight years.

in December 2022, he was on patrol and loved his job. Thereafter, Chief Klug moved him to the Records division. In Records, he's in the station five days a week and always around the administration. Foley is not a fan of how the administration is running the department. He believes that they never make decisions and their thought process is inconsistent. He thinks that ideas go down the hallway and die, because they never hear anything back.

The person responsible for the Records Department before him was not efficient and there was a big mess to clean up. They use LEARMS for records management. Foley has been going through cases and

conducted a massive cleanup and a massive push for categorizing evidence and destruction of evidence that is no longer needed. He was provided with three days of training working with the former Sergeant in Records. He also took a 14-hour course with the International Association of Property and Evidence. This is an association for evidence custodians. In July, he took 15 hours of training on the chain of custody issues and how evidence is handled in the City of Minot. They use Lexipol for the management of their property room. Lexipol is an entity that provides rules and regulations for police departments and other agencies. They conducted an audit in 2018 when Kenton was moved to the position of SRO. There is another officer who is on temporary light duty, Carrie Stanfield (Petersen) also worked in the Records Department with Foley for a year. She applied for the open position in Records, but was not given it. Instead, the position of the records officer was given to a Senior Officer. The department is also hiring another officer to work in the back as well.

Foley claims he inherited a total mess in the Records Division. There has not been a formal audit of evidence since 2018. He cleaned up and organized the Records Department and came up with ideas consistent with what he had learned to make changes. By way of example, he needed shelving units. They cost $800. He made the request several months ago with no response. He brought it up several times. The Chief gave him an answer similar to “I don’t wanna rob Peter to pay Paul.” Foley found some shelves that were not being used so after making several requests, he simply took them cleaned them up, and began using them in the evidence room. Several weeks go by and Chief Klug notices that Foley moved the shelves. Chief Klug said that he told Foley not to take the shelves and that he (Chief) would get back to him (Foley). As a result, he received a letter of counseling for moving the shelves into the intake room of the Evidence Room. Another suggestion was to move evidence processing outside the evidence room near the digital evidence technician and to put the heat sealer out there so that it would be easier for the officers to process evidence. He wrote a proposal and it was sent to the Chief's office and it died there. Foley says that he’s a young sergeant who has ideas about how work may flow better but he keeps getting shut down.

He said he participates in Tuesday meetings with the administration. There’s a lot of small talk back and forth and questions about what he’s working on. He does not believe it is productive.

Four months ago, he received discipline with a day off, because during his attempts to auction off unclaimed property, two bicycles in evidence were advertently sold. He auctioned one off, but was able to recover it. The other one the department paid for. It was simply a mistake, because he didn’t have enough help, as he was working the auction himself with four adults and seven juveniles from the cadet program. He feels that the discipline was unfair, because he didn’t have enough help during the first time through the process and did the best he could.

He also said that the administration does not attend events. There is a suicide prevention walk called “Out of the Darkness”. No administrative personnel showed up for that walk this year.

There was also an issue with coffee with a cop. The Acting Chief Plessas and Sundbakken attended. He also participated in drafting the wellness program. The City Attorney reviewed it and thought they did a good job. However, it has not been implemented. There have also been efforts made by the patrol officers on the uniform policy and a beard policy. They worked on the uniform policy two years ago and still nothing has been implemented.

Foley said he did have a one-on-one meeting with Chief Klug. He thinks Chief Klug had meetings with three people. Even though, he wanted to get to know everyone. The one-on-one meetings were stopped, because Chief Klug had family issues.

Only three or four sergeants go to the administrative meetings, even though all sergeants were supposed to attend these meetings. At the meetings, the administration focused on things like signs for parking in front of the new retaining wall, as opposed to things that are affecting morale. He believes that the morale issues are more important and are affecting service. For example, the failure to implement the beard policy and the continuing the prohibition of beards for officers results in p good candidates not applying for open positions.

Sara Kiss

On October 2, 2024, Heintzelman spoke with Sarah Kiss. Kiss was trained on the department's personnel policies and passed her probationary period in June 2023.

Kiss had an altercation with another female officer named Becker. They responded to a call where a female had gone to the hospital, but they could not help her. She was a drug user and was very sick and wasn't eating. They responded to a call for a well-being check. The female was refusing to go to the hospital and Becker threatened the woman by saying something about her kids.

Kiss believe that this was an ethical issue. Sgt. Sandusky told Kiss to report the incident to her supervisor Sergeant Taylor Jensen. They called Sergeant Noyes and they interviewed Kiss. Kiss had detailed notes of what happened. Then the sergeants talked to Becker. Afterward, the Sergeants told Kiss that they would not do anything about it.

Kiss came to work the next day and got in the car with Becker. Becker told Kiss that Kiss should have come to her (Becker), because this is not how we do things here. Becker told Kiss that she (Becker) will not have her (Kiss') back on the road, and once that bridge is burned, nobody will have her (Kiss') back. Kiss spoke to Amanda Somerville who was a friend on her shift. They reviewed the policies and determined that it would be instant termination if Becker failed to back them up. Later, she found out that other issues were going on with Becker and, as a result of those other issues, Becker was moved to dayshift and they worked all of their days together. Kiss was concerned, because Becker said she would be on her own. Becker was put on leave came back to work and then went back on leave. Ultimately, Becker submitted her resignation. Kiss does not know what happened to Becker or if the department ever investigated retaliation against her. Kiss did not report Becker's statements about backing Kiss up to anyone. Kiss believes that it would be good to follow up with the officer and let them know what happened in the investigation.

Otherwise, she is very happy in the department. They checked on her after she had a call with a gunshot victim. Kiss thought that she got the best medical care.

Tyler Ruelle

On October 2, 2024, Heintzelman interviewed Tyler Ruelle. He has been working for the department for 15 years and is currently a Patrol Sergeant, on the SWAT team, and sniper team.

Ruelle doesn't have a lot of interaction with the administration. He is concerned, because they have not yet received their 2023 performance evaluation. That being said, he believes an employee would know if there was an issue with their performance, because the sergeants work closely with the patrol officers. When Chief Klug began working as the Chief, he said he (Klug) would have one-on-one meetings with each of the officers. He was doing them with Lieutenant Haug and Sundheim. Ruelle does not see the Chief as he seems to come in late and does not come to any of the shift briefings compared to other chiefs. Ruelle says that it is noticeable. Ruelle is also critical of the 12 to 10 shift, because the department is down on staffing and the individuals that are working that shift are not seeing their Sergeant. They do not have enough personnel to cover the street and the 10 to 12 shift makes it even worse. Ruelle was aware of the situation between Becker and Batteiger. He said that the officers need to be professional when they come to work and they cannot take their issues onto the street. Ruelle said that if they were working on the same side of town, Becker's statements that "I will not cover him" and "if he is on a call, I will not cover him" are not manageable. Any officers can end up on the same side of town working with another officer they may not like. At some point, she was removed from the sniper team and ultimately resigned.

It has been a weird time after COVID, which is the elephant in the room. He was told that his behavior was being influenced by Sergeant Schoenrock, but the fact of the matter was that COVID had isolated the midnight shift in the patrol division from the administration, and that created the separation and maybe some of the issues.

He recalled the situation with Batteiger at the annual firework show at the fairgrounds. This is an incident where Batteiger was chasing two juveniles on an ATV. The traffic was all backed up going west and he was trying to pursue a four-wheeler down Third Avenue. Ultimately, Batteiger was in the eastbound lane going west. The pursuit was outside of the pursuit policy. Ruelle does not believe Batteiger received any discipline for that pursuit. Another incident occurred when there was a kid on a bike who was hit by a car. Becker, Ruelle, and Batteiger were doing traffic control. It was a hot day and Ruelle told Batteiger to relieve Becker from the traffic control. Becker was getting angrier and angrier as she focused on Batteiger and would not allow him to relieve her. Ultimately, Ruelle relieved her instead of Batteiger. However, this created operational issues as the sergeant should not be directing traffic.

Ruelle is aware of the situation with Pat Blanchard. He was drunk at a party and then heard a call go out for the SWAT team. Blanchard tried to respond to the call leaving the bar. He crashed his car and blew the tire. He drove the car to the Police Department and was in the sallyport trying to change the tire. There were two or three officers there watching him. Ultimately, Shane Haug went over and convinced Blanchard not to change the tire and respond to the call. At this point, people in the department knew that Blanchard needed help with alcohol. He does not know what discipline was issued or what help was provided to Blanchard. Blanchard was suspended from the SWAT team. He believes that the DUI for Blanchard was overlooked, which in his opinion, is unfair because others may have gotten prison time for the same behavior.

Ruelle believes that the midnight shift was trying to make a morale problem, fun. They went from three lieutenants to two lieutenants, and the administration was presenting that the department members were all "one shift." This is the same time the Chief created the position of Professional Standards, Lieutenant. There are only two patrol lieutenants, one works the 6 a.m. to 2 p.m. shift and the other works the 10 a.m. to 6 p.m. shift. The night shift does not have a lieutenant. The administration tried to address this issue by saying we were one big shift and we could do this because we are the administration. However, Ruelle believes that if officers have questions, the administration should provide answers. If the

Chief is not around, the Captains need to have sufficient information to respond as representatives of the Administration

Ruelle has had conversations with Sundheim where he was seeking information to share it with his shift. The response from Sundheim was that the administration trusted the sergeants to respond to the patrol officers. However, Ruelle didn't have the information to provide. It was like they were saying "We trust you to make the information up" and respond to the officers. Now they have five lieutenants as Dave Chapman was promoted to Lieutenant. He believes some of the Lieutenants are pretty direct but he always thinks something else is going on.

Ruelle believes that patrol officers should get an honest performance evaluation. He believes there needs improvement evaluation on item 8 on his performance evaluation was tied to the "free talk" meeting, which he doesn't believe is appropriate. He was not downgraded in his overall evaluation and does not think he lost pay. He identified the anonymous email that was sent to the media containing a long list of performance issues of the Chief and Captain.

Andrew Roach

On October 2, 2024, Heintzelman interviewed Andrew Roach. Roach has been with the department for 8-1/2 years. Roach has previous experience in other police departments, including the county. He is on the Ward County Task Force. They respond to calls around the state. He has been on the task since January 2024. He has been on the dayshift for one year and was on midnights before then.

Chief Klug took over in 2020 right before COVID. There have always been issues with communication and explaining why we do things the way we do them. By way of example, he put in for a training session in Bismarck, North Dakota. The training was free and he was willing to drive to Bismarck to attend the training. He put in for the training three weeks before the training was scheduled and then followed up with Lieutenant Haug the week before the training. By Thursday or Friday, Roach had not received a response. The Training Captain is Sundbakken. He talked to Sundbakken, who did not take it well and was rude and Roach was upset because it was taking so long to get a response. Sundbakken shut the door and they argued the lack of a response. Roach says that the only time he saw administration is when he was getting off of the midnight shift when they were coming in. He was frustrated in general, because he needed to follow up on the training to get lodging and wanted to know if he was going to be able to go. He got a call from Lieutenant Haug that Sundbakken was upset with the way Roach spoke to him regarding the training. Roach said that conversations are preferable to emails. Later that night, he was told that he was approved to go to the training, but he woke up the next morning to a text that said the training request was denied. Later that night at a briefing, Schoenrock told Roach that he was accused of yelling at Sundbakken. Roach said that he was made to look like a bad guy, but all he wanted was approval for the use of a car and a response to his email. The training was on March 22, 2021. It was called Evidence-based Interview and Interrogation.

From other interviews, I was told that training was curtailed if not eliminated during COVID-19, because of the risk of transmission in large groups. As the administration made the decision not to allow officers to walk into the dispatch center, the denial of training is consistent with that approach for that time.

In 2021, he received his performance evaluation but his Sergeant, Schoenrock, did not write the evaluation even though he saw me every day. Lt. Haug went through the evaluation with Roach and gave him subpar grades. He was told that the midnight shift was cliquey and did not integrate with the other

shifts. There was a problem because the midnight shift liked to have fun. Schoenrock attributed this attitude against the midnight shift to the administration. We were told that we should mind our "P's and Q's." Roach also worked some overlap shifts on afternoons so when he would come in, he would make a gesture referencing "one shift," which is referred to by Fuller as the "Sammie Sosa kiss." The administration took this as a mocking gesture. However, Roach believes that they were just trying to keep the job interesting. On midnights, sometimes it's slow and it was never their intention to be disrespectful. They did not have a lot of calls so they would go out and play games to see for example who could arrest the most people. In 2018 and 2019, he had the most arrests. They were trying to maintain their motivation and build a little bit of camaraderie with some competition. They were trying to be proactive and look for people that have active warrants. It was difficult for the midnight shift, especially during COVID, because the administration would have meetings during the day and they would meet with everyone in the department except the midnight shift. Then they would hear rumors or interpretations of what occurred from different people.

Roach's 2021 evaluation, Category 8. Ability to work cooperatively with supervision or as part of a team.

> Officer Roach works well with his sergeants and other night-shift officers. Officer Roach needs to remember that the night shift is part of a larger team and needs to improve his demeanor towards administration and other personnel outside of patrol. The total team effort includes all aspects of the department as a whole.

Overall, this was a positive evaluation where Roach was encouraged to move to investigations or patrol and continue to be a leader in the department. He was counseled to maintain a positive attitude with all personnel in the department and not to let small things cause frustration.

He believes that the midnight shift and Sgt. Schoenrock was labeled the agitator, and therefore Schoenrock was moved off of the midnight shift. Roach says the people choose shifts because of their family life, and the administration's perspective only took into consideration the department operations and disregarded the personal effect the change had on department members. He, however, has no personal knowledge of any accommodation issues addressed by the administration. At the same time, the administration also decided that they would rotate people out of specialty assignments. Schoenrock was not in agreement with these changes and did not want to move off the midnight shift.

He asked to participate in the recruitment process from MSU. He's a former athlete from MSU and wanted to be a team player and do what he could to boost hiring. When he made some of the suggestions, Roach believes he was labeled an agitator. In speaking to Sundbakken, I was told that Roach is participating in recruitment at MSU.

He had a one-on-one with the Chief. Roach compared Chief Klug to former Chief Olson. Olson would say hello to you in the hallways. Klug is not that person and he is not welcoming. His stepson, Kenny Tygart, told Roach that Klug did not like him. Roach has aspirations to be with the department for 30 years. He is hoping that he can make that happen.

During our conversation, Roach was reading off of notes on his cell phone.

Jason Bambenek

On October 2, 2024, Heintzelman interview Jason Bambenek. Bambenek has been a Patrol Sergeant for five or six years. He has worked both the night and day shifts. He has just under 20 years of service with the Police Department. Bambenek had some notes on his phone that he was reading off of during our interview.

He thinks it hurt more than it helped with Chief Klug. He said many officers were terminated or let go for lying in investigations. In January 2024, Lieutenant McLeod had some issues raised regarding an investigation in Missoula, Montana, or Boise, Idaho. He was put on administrative leave in January 2024 and then came back to work sometime around July 4, with no explanation. Bambenek believes there was an investigation regarding McLeod's niece. Bambenek has friends in law enforcement who told him about a situation that McLeod had around five years ago.

Bambenek said that he received a call as the supervisor on duty from a woman who said that a woman reported that when she was 17 she was sexually assaulted by McLeod and wanted to make a complaint. He took the complaint and emailed it to Chief Klug. He says the woman who called is Dena Rustebakke. Rustebakke is a police officer. He said the reason that McLeod was not investigated further is that the statute of limitations had expired. McLeod is married to Plessas' sister.

Bambenek said he has a weird working relationship with McLeod, because McLeod is cheating on his wife with Bambenek's neighbor Charlsie Burud. She told Bambenek that she was having a sexual relationship with McLeod. He also feels that McLeod is "touchy-feely "with Sergeant Carmen Asham. Bambenek says that the investigation into McLeod was closed by BCI.

Bambenek said that Shane Johnson told him that the current case with the niece was closed. Something happened five years ago which was reported to a school counselor. He believes that nothing is happening, because Sundheim and McLeod were all SWAT commanders at one point and they all know each other and their friends.

Bambenek is concerned because the department is below staffing 17 officers and some people are not doing their job, such as Sergeant Robbie Sumlin. There is someone who is running a department called Street Crimes and not supervising anyone. Bambenek believes that some of these officers should be put back on the street.

Bambenek said that officers are never informed why they are under investigation and if you had been more transparent, the issues would have been minimized. He doesn't believe people are being held accountable, for example, drug testing. Officers are notified in advance that they're going to be sent for random drug testing, which gives them time to clean up. There were no evaluations in 2023 and there are no quarterly assessments. Bambenek believes in Sundbakken is horrendous at training. He believes that Chief Klug is the main reason that people are leaving. There is a long hallway between the Administration's office and the rest of the Police Department.

He thinks that there is a lack of consistency and a lack of focus on what people want to do in their careers. The Chief said that he would do one one-on-ones, but many people were not spoken to and many officers wanted to talk to the Chief. By way example, Zack Myers, wanted his one-on-one with the Chief, but was unable to get it.

Sean Christie

On October 2, 2024, Heintzelman interviewed Sean Christie. Christie is a dispatcher who began working for the City in 2023.

Christie believes there have been issues in the Dispatch Department that have existed for a long time. He has been a dispatcher for eight years and believes that he "is the reason the dispatch continues to operate." By that, he means that there is a lot of dissatisfaction in the department, particularly concerning the 12-hour shifts and how many people they have lost since COVID. The current PSAP leader is Margaret Haugen who, he believes is not good at her position. He describes her as a cartoon supervillain, who is completely untrustworthy and lies to the dispatchers. Because she's untrustworthy, she causes a lot of problems between the dispatchers. By way of example, he recalled the situation with a dispatcher who is not adhering to the dress code. Another dispatcher reported it to Margaret and rather than behaving like a supervisor and correcting the dispatcher's attire, Margaret identified the dispatcher that made the complaint. This resulted in animosity between the two dispatchers. Christie says that Margaret has no sense of confidentiality. She talks to one dispatcher about another lead dispatcher which creates animosity between the individuals. Sean, Beth, Lacie, and Shanlya all work four 12-hour shifts. They all believe that Margaret talks to everyone about everybody else. The dispatchers have a deal among themselves. They will always confirm with the actual dispatcher when Margaret says somebody made a comment or complaint. They are high-pressure jobs that are subject to tribalism. It's easy to create fractions amongst the departments.

He believes that Margaret uses gossip as a way manage the department on a daily basis . He doesn't think that discipline is being handled correctly. One of the more egregious situations is with Nicole. She came from Orange County Florida and had six years of experience. Margaret hired her and was very supportive. Nicole became pregnant with a new boyfriend and wanted to switch days. She told Margaret, but said that she did not want the issue of her pregnancy to spread around the department. Nicole was asking to switch days to handle her pregnancy. That same day, Margaret told Christy that Nicole was pregnant. She also told other people in the apartment that Nicole was pregnant. Nicole married one of the deputies, Casey Visocsky. Margaret told Casey that Nicole was pregnant. Nicole was only in her second trimester. Nicole was very upset about Margaret's breach of confidentiality. Ultimately, Nicole received an apology email from Margaret, but no meeting. This is after Nicole complained to Sundheim about Margaret disclosing her private information.

Christie says everybody talks to him. All 10 dispatchers say they have problems with Margaret. The dispatch center is very broken. Margaret reports to Sundheim and every dispatcher reports to Margaret. Recently, she sent a big email to everyone appreciating everyone and trying to check in, because her office should be a safe place where people can come and talk to her. The dispatchers had difficulty taking her seriously because of her past behavior. He said that they did a 360 evaluation online, but she got the results. She received no discipline for all of the complaints against her. Chief Klug has been coming to dispatch to try and address some of the issues. Chief Klug takes the lead in meetings starting in 2023.

Ultimately, Christie spoke with Sundheim after the meeting who indicated that they need to know everything that is going on in the department. It has gotten better. Margaret needed a wake-up call. Margaret is doing okay on the administrative part of the job and they have hired another individual to manage personnel issues. He believes that Margaret got her job because of politics, because she has been there so long.

They are so short-staffed on the dayshift. They have 37 agencies for which they dispatch Police and Fire and take and dispatch calls. Christie was coming in on his days off to cover for dispatchers taking lunch. He is no longer able to come in on overtime to cover for lunch.

From other interviews, I learned that dispatchers are allowed to take lunch and breaks, but they cannot leave the building. If they need to leave the building and go somewhere, they need to take paid time off. If they are going for a walk around the building, they take a radio and return if it is an emergency. The latter incident does not require PTO time. A dispatcher is allowed to go to a restaurant and pick up lunch for those who are working and want to order lunch without using PTO. Dispatchers are only required to punch out when they leave for extended periods which should not occur as they should schedule their errands on days that they are not working to avoid extended lunches and leaving the building.

Michael Connole

On October 2, 2024, Heintzelman interviewed Michael Connole. Connole is a Patrol Officer who began working in January 2021. He used to work in Dickinson as a Patrol Officer in the Narcotics Division. Dickinson is a town of about 30,000. He moved back home to Minot. Connole has been very lucky working in the department. He is currently working under Lieutenant Chapman as he is one of the canine officers. He works afternoons, noon to 10 o'clock. He does not understand why they are not all working 10-hour shifts for the amount of people that they have and the staffing needs. In Dickinson, they worked 12-hour shifts, but he believed it was an officer safety issue.[10]

Connole remembers a time when Batteiger's dog was aggressive to Connole. Batteiger did nothing in response to the dog's conduct. Connole is the officer who identified the problem with the drug kit. He was in the process of training his dog and he was working with Taylor Jensen. Connole stated that Batteiger was pushing to get the drug kit destroyed before Connole had access to it. The drug kit is used for training the canines and has tracked drugs including pure heroin from the DEA. There are strict guidelines for obtaining and destroying the drug kit. There are also strict training record requirements. Connole said that Jensen and Batteiger clashed regarding how the dog was being handled and trained. Connole said that while they were working through the process of destroying the drug kit, Batteiger tried to have the drug kit destroyed.

Connole indicates the administration makes a lot of promises, but does not fulfill them. For example, members of the department worked on a beard policy, but it was never implemented. He has not had a one-on-one meeting with the Chief. He has not received his 2023 performance evaluation. He is used to getting a six-month or yearly evaluation. He has had some interaction with Chief Klug, who acknowledges him by saying "hi."

After Connole receives his canine, he has to submit receipts for his expenses every month to Sundbakken. Connole feels that the administration lose the receipts monthly. They are always hounding him for the receipts, but he has turned them in. He thinks that the Captain should not be doing that administrative work and does not understand why they can't be more organized.

He does not believe that the administration takes any officer's suggestion seriously. Sundheim asked for input on the shift layout. Officers looked at the plan and sent him a proposal. Sundbakken sent back to

[10] Twelve hour shifts are utilized when departments are down officers or when officers seek a shift that gives them more days off.

him within 10 minutes and did not take any of their ideas. They also have a Sergeant Sumlin on a forced enforcement assignment. It is a detective position, but he's not supervising anyone. Connole believes that he is a sergeant and he could be on the road helping patrol.

Connole said that he took the Master Officer test in February. It took another month for him to get paid as a Master Officer, and it took even more time for him to get the pin, and recognize that he was a Master Officer. Connole believes this is an example of how the administration disregard for the individuals or their accomplishments.

Lisa Jundt

On October 2, 2024, Heintzelman discussed with Lisa Jundt. She's been working at the city for 12-1/2 years as the Human Resources Director. She indicates that the Police Department has a policy regarding discipline and utilizes a disciplinary matrix when making disciplinary decisions. The Police Department comes to Human Resources with sensitive issues such as mental health. The department and City have a harassment policy, complaint procedure, and grievance process. Generally speaking, individuals do not come in for their exit interview. Human resources call them as soon as human resources know they're leaving, but generally, they do not come in.

Jundt did not know that Lieutenants McLeod and Haug were conducting exit interviews with officers.

Dan Batteiger

On October 2, 2024, Heintzelman spoke with Dan Batteiger.

Batteiger has been with the department for five years. He came from Colorado in the western part of the state. He worked for four years in Crested Butte, Colorado. He has a year with the Ward County Sheriff's Department and then came to the City of Minot in 2019. He works, the day shift on patrol.

He doesn't have too many issues with the department. He thinks it's run in a "old-school" fashion concerning technology. During briefings, they read the case docket, but do not give out too much information on the activity on the shift prior or the street activity.

He works the night shift with Lieutenant Scott Redding and Sergeant Schoenrock. He's had some difficulty at the department regarding a pursuit involving an ATV after the state fair last year. He worked the night shift with his canine, but had difficulty with the logs and tracking. He is not good at putting in information. He was recommended for the canine program by his Sergeant. Another canine handler, Sergeant Pappenfus was retiring his canine and that's how Batteiger joined the program. When asked about the lost heroin from the canine kit, Batteiger said he was hiding different amounts to see if the dog would alert. Somehow the dog failed to find the heroin. He lost the dog for failing to train the dog. He was also removed from all instructor positions, but he was not given any suspension time. This was in March of 2024 when his dog Cyrus went to someone else. Batteiger was having trouble reading the dog. He was told that after six months if his workmanship improved, they would consider reinstating some of his teaching privileges.

Three years before that, he received some letters regarding a pursuit with a City employee in the vehicle. He was conducting a ride along with a dispatcher and he engaged in the pursuit. He also had some trouble with another officer, Becker. He was separated from his wife and was living with Becker. While he was

living with Becker, there was some issue with his relationship with a domestic violence victim that he met while on a call. The relationship was short lived, but Becker found out about it and he ultimately moved out of her residence. He indicates that he had no problems with Becker and he is unaware of why she had problems working with him.

When he attended canine school, it was the toughest school he ever had to attend. They were very active in working locations and he was working with a green dog. It was a long process. Since then, he's moved to the day shift, 7:30 a.m. to 5:30 p.m. It's much busier than the night shift, but it is a much tighter shift. The day shift checks on each other. Batteiger claims he has worked to get himself in a better place.

He doesn't have a comment on the internal investigation. Some of the commanders were trying to change policies like the grooming standards and some things were changed and some things were not. There were frustrations with the rejection of suggestions. He never saw the administration and the hallway to the administrative offices is called the “ivory hallway.” People have frustrations with the administration regarding the communications coming from the administration. He denies recording people on the night shift.

He was asked about his responsibility to purchase Christmas gifts for the sergeants and lieutenants on his shift. He gathered money and was supposed to buy custom action figures of each of the lieutenants and sergeants. He put the orders in, but he has not received all of the action figures. This was for Christmas 2020. He received them in 2021. He was waiting to get all of them. When asked why he did not refund any of the money, Batteiger indicated that he had no reason he had just not put any effort into it. Lieutenant Wegner brought this situation to his attention in the spring of 2024. However, at the time of our discussion, he had not done anything in response to that conversation.

Stephanie Stalheim

On October 16, 2024, Koelbel and Heintzelman spoke with Stephanie Stalheim regarding the investigation. Stalheim is the City of Minot Attorney who handles City Council meetings, misdemeanor violations, and City Council departmental questions. She is the municipal attorney, but does not engage in civil litigation on behalf of the city. She addresses some human resources and municipal issues. She started with the City as an Assistant Attorney in 2015 and the City Attorney in 2022. She is aware that 2022 was a difficult year for the city in that Pat Blanchard committed suicide and Tami Peterson, an employee who worked in dispatch, but provided EMS services to the City was killed in a motorcycle accident. Stalheim does not have personal knowledge concerning any of the underlying conduct as she was not working for the City in this capacity in 2022. Her involvement has been with the request for this investigation for the most part.

Assistant Attorney, Nick Schmitz, handles most of the B misdemeanor hearings. She was not involved in the process of promoting Chief Klug to the Chief’s position. Two panels interviewed him. She has no involvement in the Chief's disciplinary history. There was an investigation in 2020 or 2021 regarding a claim of disparate treatment but she was not involved.

On February 6, 2022, the City and various media outlets received an anonymous e-mail. The City received the e-mail on the website citizen request. That was the first she'd heard of those issues with Chief Klug.

The City has a complaint policy or process. If it gets a complaint, it can go to the Civil Service Commission, which is the hearing body that is comprised of three people. The City Attorney's office does not investigate personnel matters, but the Human Resources Department does investigate some of those issues.

Stalheim had heard about inconsistent discipline. She is not really involved in disciplinary issues unless Chief Klug or his predecessor Chief Olson would come in to talk to her about what was going on. She was aware that there was an issue with Shannon Lackey and her interactions with Jenna Bjork. After Lackey's conduct at a bar called “The Spot” there was a call and a disorderly conduct investigation and she resigned.

Stalheim says that either Chief Klug or a Captain will attend meetings with her but they find themselves in the same place time after each meeting. There's a lot of circling back on issues and information and things seem to take a lot longer than they need to take. She doesn't believe Chief Klug is delegating enough of the responsibilities or if he is delegating, he is not giving the delegate the full authority to make the decisions. She's not sure why he is micromanaging people. All of the upper management appeared to be working 8:00 a.m. to 4:30 p.m. You don't see them afterward. She thinks that the Police Department issues stay within the Police Department and they don't utilize Human Resources or the administration or her office to work through matters as much as they could or should.

She does not work with Margaret Haugen on a daily basis and had no involvement with her promotion to PSAP Manager. Generally speaking, if people bring things to her attention, she plays the role of the mediator and tries to bring two people together. People in the Police Department are very conscious of not breaking rank and the need to talk to a supervisor before speaking to anyone else outside the department.

Concerning dispatch, the dispatch center was moved to its new location in City Hall. Margaret moved to the new location first. Her office is physically separate from the rest of the dispatchers in the new location. This physical separation may create a problem in overseeing the dispatchers. She believes that Chief Klug and Sundheim are holding monthly meetings with Margaret and the lead dispatchers to work through some of the problems. She has heard that Wayne Fahey is a good trainer and that he is adding new policies. She has also heard that he has a good relationship with everyone.

She has never heard Chief Klug say that if people don’t like it here, they can leave. She knows that Chief Klug does not like to be crossed. When asked about Chief Klug’s leadership training, she knows that he went to the FBI Academy, but does not know anything else.

The City does have a contract with a provider for an Employee Assistance Program. Maggie Klug used to be a Minot Police Officer. She is now a therapist who is contracted with the EAP program. When Pat Blanchard killed himself, the availability of EAP was communicated to all officers. Maggie Klug was one of the therapists that may have been available. No one is mandated to go to Maggie Klug.

She is not aware of any domestic violence issues against Captain Sundheim. Shane Haug runs internal investigations. McLeod was the investigations Lieutenant before that time. Sundheim conducts some investigations when they are investigating people of higher rank than a lieutenant. All of the Command Staff were members of the SWAT team.

She is aware that Chief Klug is not as responsive as the City Administration would like. She assumes that it is usually, because something bigger has come up. The captains are pretty timely. She identifies the alcohol ordinance rewrite that took a long period. There was an issue with tobacco checks and alcohol

checks, this is why when Chief Klug would send a captain they'd find themselves in the same place month after month after month.

Harold Stewart

On October 16th, 2024, Koelbel and Heintzelman spoke to Harold Stewart regarding this investigation. Stewart has been the City Manager for the City of Minot ND since the week after Christmas 2020. City Council appointed Chief Klug before COVID. Stewart was not involved in that process.

Stewart indicates that council members have been historically approached by patrol officers who want to provide information to the elected officials after they have not received a satisfactory answer from the Administration. They do not use the grievance or complaint procedure. He was not involved in the hiring decision for Klug as Chief and the information that is out there is a mix of rumor and speculation. He has told people to come talk to him directly if they have specific issues they want to address, they should come and talk to him, but no one has come to talk to him directly. In Stewart's perspective, since the alleged incidents regarding Chief Klug's current wife and alcohol use, he's been investigated and disciplined. He was promoted five times since then and he's been performing satisfactorily. If there is some new issue, Stewart will investigate it.

All of these issues, predate Fuller and Samuelson. There was a need for a new police station. Both Fuller and Samuelson have held up that process because they want to take care of these morale issues first.

On August 26, 2024, Fuller and Samuelson came to him to discuss the morale problems. Stewart told them that the information they were providing happened in the past. If there is something new then he would address it. Fuller came back and said that he had new information, because he has been meeting and talking to people about what was going on at the Police Department. Fuller's information was that Officer Batteiger had slept with a domestic violence victim and that he had lost 15.7 grams of heroin. This information was new to Stewart.

Stewart was very disappointed that Fuller and Samuelson had this information, but Chief Klug had not brought it to his attention. Stewart has repeatedly told his management team that bad things are going to happen and there are things that we'll need to deal with and they need to let him know what is happening. Stewart would rather hear it from them directly than from another source. Once a month, they have a meeting where the department heads can update Stewart and give information regarding personnel issues. The department heads are however free to contact Stewart at any time to discuss an issue that's going on in their department.

By way of example, when COVID began, the Chief said that no one should go into dispatch unless they're working there. A couple of officers shared their codes to get into the door to dispatch. Then, during the investigation, one of the officers lied about it and was fired. For that incident, Stewart was kept advised. Concerning the heroin issue, Chief Klug did not advise him of that situation when it occurred. This is not the first time Stewart has managed a Police Department. They are siloed and protective of their own and they don't want to interact either with the administration or the Human Resources Department. Klug has been inconsistent with notification. If there is an officer hurt or injured or an officer-involved shooting or a shooting in a bar, there is an update and they reach a consensus about how to handle the situation the next day. But concerning personnel matters, Chief Klug does not provide the same updated information. Captain Plessas has been much better about keeping Stewart updated. The City has a grievance process which ultimately comes to him but it is not utilized much.

Stewart works with Chief Klug on the budget process. It has been very adversarial. Chief Klug was having difficulty working with Stewart. He would blow up at the meetings and then come back and apologize. Stewart believes that Klug would talk to his wife about having a good relationship with the administration and that's when he would come back and apologize. He had a very tough time when he was having personal problems and his behavior was very inconsistent.

Stewart does not think the leadership in the department and communication is where it needs to be. The two Captains are Sundheim and Sundbakken. Sundbakken has been with the department for a long time and is a nice guy, but he does not have the qualities of management. He does not seem to exercise leadership or direction. He's far more task-oriented.

Before being promoted to Acting Chief, Stewart did not have much interaction with Plessas. He recalled a meeting between Chief Klug, Plessas, Sundbakken, and Sundheim where they wanted a new position as a public information officer. Officer Moss was supposed to be the community outreach person, but they were not getting sufficient bang for their buck from his performance. The Fire Department also needed a Public Information Officer. Stewart told Klug and the captains that he could not get additional personnel for their department, however he could support having one Community or Public Information Officer for both the Police Department and the Fire Department and other city departments. They became very adversarial including Plessas. None of them could understand that he was on their side and trying to do the best he could for them, but he was limited in his capabilities. There was no reason that one person couldn't support both the Fire Department and the Police Department as a Public Information Officer. Maybe the following year, they could increase the budget for that position depending on how the position functions. Since that time, Plessas has stepped up and done a nice job in the Acting Chief position. He has been far more supportive and communicative. He shares his position and once a decision is made he will execute it. Stewart did not get that kind of performance and response from Chief Klug. Plessas appears to have the trust of the department.

Sundheim is extremely defensive of Chief Klug and himself. He gets pretty heated and Stewart is not impressed with his leadership capabilities. Sundheim was involved in the development of the dispatch center. This was new to everyone that participated in the process but Sundheim made it harder than it needed to be. He believes that Sundheim is more of a dictator than a leader.

Stewart is aware of an issue concerning creating a grooming policy so that the officers could have beards year-round. A committee was established and a grooming policy was created, but it has not been implemented. Stewart thinks this is a problem because the Chief has not executed on the policy or told the department that he was not going to accept their policy.

Stewart has made changes to the PTO policy, which was based on staff input. He expected that his department heads would talk to their personnel and bring any concerns to him that were expressed by the officers. That was done and he implemented some of the ideas he received.

Klug’s reaction to a new issue depends upon what mood he's in and whether he agrees with it. Stewart has had to tell him directly that he will do certain things. It has been difficult working with him on budget issues . He has been slow to come to the bigger picture of being a manager and looking at the entire organization. Klug’s focus is on the Police Department and while he advocates strongly for the Police Department he has a hard time prioritizing his needs. By way of example, Chief Klug pushed hard for this Public Information Officer position, but they also needed more dispatchers that year. Stewart thought the dispatchers were more important than the public information officer. Similarly, he asked for other

positions such as a forensic technician who works on computer files. In Stewart's opinion, he would have prioritized the forensic technician over the PIO. Sometimes he questions Chief Klug's logic and judgment.

Chief Klug knew the Assistant PSAP Manager who died in the motorcycle accident shortly after being hired. He also took some personal blame on the Blanchard situation. He was slow to get help for himself even though he advised officers to go to the EAP program. He believed Chief Klug's lashing out was a result of these deaths.

Another situation occurred concerning the vet clinic that provides shelter for the stray dogs that they pick up. Stewart told Chief Klug that he should make sure he has other options in case the clinic can no longer handle the stray animals. Chief Klug did not do so and this year, the vet clinic told the City that it would no longer provide shelter for the strays after the end of the year. Now Chief Klug is struggling to find an alternate location on short notice.

Stewart has talked to Chief Klug about the fact that the command staff works Monday through Friday 8:00 to 4:00. He asked him when the last time was that he visited a night shift or came in on the weekends. He has not been disciplined for his performance. It is Stewart's position that the City should not go back and discipline Chief Klug for incidents that occurred many years ago, particularly since he assumes that they have disciplined for those behaviors. Stewart believes that there is much more team building and training that Chief Klug needs to do in Dispatch. He has informed Stewart of some of those issues but there is more for Chief Klug to do.

William DeNovio

On October 28th, 2024, Heintzelman spoke to William DeNovio. DeNovio has been with the Police Department since 2019, but he left to go to New York for a year and returned in 2022. He is currently in Investigations working as a Detective. He spent four years in the military and five years in the National Guard.

DeNovio does not have any complaints. He likes his job and believes he is treated well. He wanted to ensure that this investigation was not about individuals' personal complaints and that we knew that there were people who were doing well at the department.

If there was anything to discuss, it would be the communication with the administration. His comments were similar to others in that questions that are asked of the sergeants and passed up do not seem to get answered or take a long time to get answered.

He also thought there was a lack of transparency in issuing discipline. While he understands that people do not need to know everyone else's discipline, there is a level of information, particularly when someone in command is gone for some time and then returns without any information whatsoever. It is unsettling and creates an environment where there is a lack of trust. Some sergeants and lieutenants hold officers accountable and some do not.

Some are tougher on report writing than others. however, what is required under the law is the same and if the reports are not written well, then it is embarrassing for the officer in court, the victim and the department in court.

He also recounted a situation regarding use of force where the issue was presented to a Lieutenant and Sergeant who reviewed body camera footage and indicated verbally that there was no issue and nothing

to report. Accordingly, reports were prepared and then the body camera footage came to light and an investigation was conducted. He subsequently received a letter of reprimand indicating that his use of force report should have been more explicit regarding another officer's conduct. An investigation was conducted several months later in response to public exposure of the video.

Darren Dyke

On October 28th, 2024, Heintzelman spoke to Darren Dyke. Dyke has been with the Police Department over 20 years. He is the lieutenant responsible for investigations. He took the lieutenant's test and was selected by Chief Klug. Another Sergeant who applied was Schoenrock. Dyke was selected over Schoenrock and Schoenrock was not happy about the fact that Dyke was selected over him. Schoenrock started complaining that Dyke was sleeping with the human resources employee and he cheated on the test which is why he scored so high and was selected. Schoenrock made this complaint in the 2021 third party investigation. The complaint was unfounded. Dyke explained that he listened to all of the testing materials on audiobooks and that is why he did so well.

He wanted me to know that Schoenrock's allegations were false. He knew the human resource person because they had both been involved in training for the department. Nothing more. He had no issues in the department. He tries to stay out of the gossip and rumors and do his job. He did not have any other issues to discuss with me.

Schoenrock raised the same allegations in 2021 and that report, which we reviewed, also determined that Schoenrock's allegations were unsubstantiated.

Cheryl Gessner

On October 28, 2024, Heintzelman spoke to Cheryl Gessner. Gessner has been with the Police Department for 35 years. She is currently Chief Klug's Administrative Assistant. She said that she has known Chief Klug for many years and gets along with him, but she says that he has been pushing her out of her job for several years. She said that Chief Klug has removed all of her duties and responsibilities and she has nothing left to do. At one time, she did payroll and accounts payable and receivable for the Police Department. Payroll took a lot of time because it was done manually and she had to correct a lot of input to ensure that people were paid correctly. Now, payroll is automated and she does not have to do it.

Gessner indicated that the Chief wanted the Captains to sit near his office so he moved her into an old office with no windows. She called it the "dark office." Then she was moved into an office in records. She was then moved back into the dark office. She has tried to find things to do in the Records Department and Investigations but they have their assistants as well.

I asked her whether Chief Klug told her that there were issues with her performance of her job duties. She said there may be some things on her performance evaluation, but nothing significant.

She said that she is not ready to retire, but Chief Klug has removed all of her duties and there is nothing for her to do.

Caisee Sandusky

On October 28th, 2024, Heintzelman spoke to Caisee Sandusky. Sandusky has been with the Police Department for approximately 18 years she worked in patrol and then was assigned as a School Resource Officer. She worked as an SRO for eight years. She is currently the Administrative Sergeant that is responsible for community outreach.

When Chief Klug came out with the idea to move people around, it started in patrol. Officers were very upset. She thought it initially came out in an email. When she heard people complaining about it, she told them to ask the Chief why he made that decision. Ultimately, there were some meetings to discuss the changes. Chief Klug then included specialty assignments into the rotation so she knew that she would be moving. She figured that if she had to move, she might as well take the promotion test. She took the sergeant's test and was promoted to the Administrative Sergeant's position.

She also said that Chief Klug has been very supportive of her after she left the SRO position and has allowed her to stay active in the State SRO program. He has also been supportive in her new role as Administrative Sergeant. She does not have any hesitation in walking into his office and asking him a question. He will provide the answer or tell her that he has to look into it. Sometimes, he gets back to her and sometimes he does not.

There is a divide between the sergeants and lieutenants regarding the amount of information that is transmitted down to the sergeants. there are times when officers will ask a question and she does not have the answer. She will ask a Lieutenant, but information does not necessarily come back responding to the inquiry. Communication is an issue in the department.

Christine Roberts

On October 28, 2024, Heintzelman spoke to Christine Roberts. Roberts has been with the Police Department for 16 years and works in the records department. Roberts told me that she did not have many complaints except her application for the Office Manager position. Roberts indicated that she and a woman named Trish applied for the Office Manager position. She likes Trish and has no complaints about her in the position. However, she does not think that her tenure with the City was given enough consideration. She indicated that when she was interviewed, the command staff told her that they were looking for new ideas for the Office Manager position in the Records Department. She said that she tried to give new ideas, but did not mention what they were when asked. Trish only had two years with the City when she was given the position. Roberts thinks that her years of service to the Department/City should have carried more weight. When asked whether she thinks she should have the position instead of Trish, Roberts said that she has no issues with Trish in the job.

Kristin Guerton

On October 28, 2024, Heintzelman spoke to Kristin Guerton. Guerton has 8.5 years with the Police Department. She has been a detective for the past two years.

When she heard about Chief Klug's desire to move people to other shifts, she had a conversation with Captain Dale Plessas and Lt. Darren Dyke. They told her that she would not be moved and that she could stay in the investigations division as long as she wanted to stay there. She indicated that she considered participating in the promotion process, but she does not the trust process. She is concerned that there is

a lack of consistency in the training of patrol officers in that the reports that come to investigations and the affidavits that are submitted for warrants are, at times, poorly written, i.e. missing the elements of the crime, or a cut and paste from the police report which affects the effectiveness of the prosecutions. She also believes that there is no consistency in the FTO training. She is concerned that with hiring issues that the department is experiencing, the department is more lenient in passing an officer through the FTO program. Previously Shannon Lackey was responsible for the FTO program, and she was tough. Now, Captain Sundbakken supervises Caisee Sandusky who is responsible for the FTO program.

From her perspective, people are not being held accountable. Sergeant Greg Johnson works in investigations. He does not know how to draft a warrant or investigate a case. There are cases of domestic violence and sexual assault that he has let sit on his desk. When she went on maternity leave, her duties fell on Stephanie Lentz to handle. When she returned, she picked up a "gnarly stalking case" that Sgt. Johnson was not working up.

No one uses Greg Johnson, because he is lazy and has not been held accountable for his performance. Everyone, including Lt. Darren Dyke, go to Sgt. Shane Johnson, because he gives feedback and offers help. Greg Johnson is a nice guy and no one wants to hurt him, but he is not pulling his weight. She recounted a situation where they were executing an arrest warrant in a homicide case and Sgt. Greg Johnson went over the radio and asked what case they were executing the warrant on. A supervisor that cannot do an officer's job and does not carry their weight is a problem for the department. There are five Investigators, two Sergeants, one Lieutenant and one Captain in the Investigations Department.

She was concerned that the ADP process wanted her to input her evaluation of the supervisor before her evaluation is done.

Guerton was on a search warrant when she was pregnant. During the execution of the search warrant at the end of 2023 at the Henderson Residence, Sgt. Gary Johnson stood at the doorway and watched everyone work. Erin Bonney, who has worked at few a police departments. She moved to the east coast. She spoke her mind about Greg Johnson in her exit interview. A lot of people feel bad because he is a nice guy, but he is not pulling his weight.

Guerton believes that there is a morale issue, because some people not carrying their weight. She believes there are inconsistencies in holding people accountable. By way of example, she believes the supervisor should read an affidavit before notarizing the affidavit. She does not think all supervisors read the affidavits, because sometimes she will get them and they are a "copy and paste" of the officer's report with a lot of unnecessary information in the affidavit.

There was a Uniform Committee established to review the beard policy and other uniform issues. They "busted their asses" working on the policy. Cole Strandemo did a ton of research for the policy that was presented. It addressed uniforms, hair, hats, etc. They were all passionate about it and it gave the officers a chance to participate in the process. They are not working on it anymore and it has fallen by the wayside.

Guerton said that "No shave November" went into December and carried through April. A day before May 1, when people would be required to shave, everyone was asking what was happening with the approval for the Uniform Policy. No one knew and nothing was implemented by the Chief after all the officers put in all that work. It is a morale issue. It did not cost the Department any money and the officers all worked hard and received no answer from Chief Klug with no explanation as to why there was no response.

As a result of the recent officer-involved shooting, Acting Chief Plessas sat down with every shift and explained what the process was for the investigation. He also read the victims' wife's response to a post on Minot Whiners and Complainers that attempted to criticize the police in their response. It was very well received.

She said Chief Klug is on the ND Post Board. She feels comfortable talking to Chief Klug, but there is a lack of communication in other areas. She suggested that I review Erin Bonney's exit interview. Lt. Haug and Lt. McLeod do exit interviews for the Police Department.

Shawn Wegner

On October 31, 2024, Heintzelman interviewed Shawn Wegner. He has been with the Police Department for 24 years. He was promoted in the summer of 2015 to the rank of Lieutenant. He is currently working in Patrol from 8-4 p.m.

Wegner has good things to say about the Chief and command staff. When officers have different struggles, Chief Klug goes out of his way to assist. There was an officer who had alcohol issues. That officer was sent to Utah. Another officer was struggling with depression and the Chief supported him in going to Florida to seek assistance this summer. There was another officer, Becker, who was struggling with a mental health issue and Chief Klug did several things like rearranging schedules and constantly accommodating her.

Wegner knew Chief Klug when he was a Captain in the Investigation Division. Chief Klug recognizes how this career changes a person and tries to help from the wellness perspective. He knows of another individual who was struggling with retirement and with alcohol. The command staff had discussions about how they could help the individual.

He knows that the City Manager identified unfair discipline as an issue, but Chief Klug implemented the disciplinary matrix to be more transparent and create a level playing. Even with the matrix, not everyone knows all the facts, but they still claim unfair discipline. Not everyone is the same and it will not always result in the same discipline. An ongoing issue is missing court. The department is trying to standardize the consequences for officers who miss court. But the consequences may differ if it is a first offense or a third offense.

The supervisors keep separate files for written documentation of counseling memorandum and written warnings. Lieutenants can issue letters of counseling, but a letter of reprimand then goes to the Chief. There is a shared drive where sergeants, lieutenants, captains and the Chief can access any counseling memorandum.

Wegner says that this is the fourth chief that he has worked for and Chief Klug is constantly pushing communications to the department as a whole. The email system was antiquated and so they selected an app called Evertel which can be put on everyone's phone so they have access to communications from the department. Evertel has different rooms where information can be provided. Some rooms are for sending department-wide information, some is for supervisors and some are for particular divisions. The officers are not issued phones. There are work phones assigned to patrol cars and all detectives have work phones. it is easier to get people to put the app on their phone than email and the app is compliant with CEGIS because the communications relate to criminal justice information. The app has safety systems in

place so people cannot copy the messages. There is no requirement for the officers to check the app daily. The app was also added to the computers.

Wegner believes that Chief Klug is very approachable. Every time he tries to talk to Chief Klug, he never turns Wegner away. There have been very few times that the door is shut and he is in his office working. Wegner believes Klug is busy throughout the day and then sends messages later in the evening. That is his level of dedication.

Wegner comes from 30 years of military service. Sometimes, when the command has been around for a long time, they are retired in place. Chief Klug has the same drive and works hard. He replies to emails at night and sends them at all hours.

Wegner indicates that the recent Batteiger issues were all "BS." There was no credible support to the allegations and BCI looked into it. Essentially, one of the cadets took a liking to Batteiger and commented on what she would like to have happened when she turned 18. There was no credence to any allegation that Batteiger did anything wrong.

About the one-on-one meetings, Chief Klug tried to do them but they fell by the wayside. Wegner had one and he thinks Chief Klug got through most of the department. Wegner suggests that if someone wanted a one-on-one and was missed, they should have asked to schedule a meeting.

Cole Strandemo

On October 31, 2024, Heintzelman interviewed Cole Strandemo. Strandemo started in May 2011. He is currently a sergeant on the night shift. He is currently the Administrative Sergeant on patrol and works 10:00 p.m. to 8:00 a.m. He has been a sergeant for two years. He is also the Commander of the SWAT team.

Strandemo wanted to talk about the discipline that was issued in the department. He said that the use of discipline has been poor. The sergeants have been tasked with implementing some discipline, but the major decisions regarding discipline are not made by the sergeants. Strandemo related that as the Administrative Sergeant, he is also involved in the FTO program. One of the sergeants on the road told Strandemo that an FTO, Jacob Olson was bad-mouthing other supervisors in front of recruits during FTO training. This happened in front of two different trainees. It was reported that all Olson did was complain about other guys. Strandemo went to administration with Josh Noyes and said that Olson should be removed from the FTO program. Chief Klug and Captain Sundheim were present and there may have been another captain present. This was Strandemo's first foray into discipline. They discussed the options and Chief Klug talked about how the department cannot allow this in the FTO program. There were two other FTOs in the program and Olson has been angry. Klug said that he was "not going to tell you [Strandemo] what to do." Strandemo said that he thought Olson should not be an FTO. When Olson went to the Chief about being removed from the FTO program, the Chief stated that it was not his decision. Strandemo is upset that the Chief basically threw him under the bus. Strandemo does not understand that as a sergeant making the recommendation, he also has to stand behind the recommendation that he made.

Strandemo believes that Chief Klug is mad at him about an off-duty incident that occurred many years ago. He does not have any support for that feeling. Notably, Chief Klug promoted Strandemo to sergeant and relied on Strandemo's recommendation for the removal of Olson from the FTO program showing a level of confidence and respect for Strandemo's opinion.

He was also involved in the decision to remove Krista Becker as a sniper from the SWAT team, because she was unable to control her emotions. After she had her mental health issues, the SWAT team decided to keep her on the team, but she was suspended from responding to calls. She was given a road map of the things she needed to do to come back to the SWAT team. Everybody agreed, command staff and day shift all met with her. Strandemo was not a part of telling her that she was suspended from the team. Becker does not talk to him, because of what happened with the SWAT team.

Strandemo thinks that the only piece of paper that she was given indicated that she was suspended from the SWAT team and it somehow implicated him in that process. Strandemo had a one-on-one with the Chief.

He states that the testing for promotion has changed. They are moving towards an assessment center, which is an interview panel. It takes into consideration time on the job, education, and training.

Since the Chief's administrative leave, Plessas has been to three shift briefings. Strandemo is on the day shift now. However, he states that in the two years that he worked the midnight shift, only one Lieutenant attended a midnight shift briefing. Neither the captains nor the Chief attended a midnight shift briefing when Strandemo was working. They may have come on a day that he was not there, but he did not see them. He said that the pins for Master Officer and Senior Officer are left in the officer's mailbox. No one from the administration has come to a roll call to pin an officer.

When they recently had an officer-involved shooting, Acting Chief Plessas notified BCI on Tuesday or Wednesday; convened the investigation on Thursday and Plessas called the officer on Friday to let him know the results of the BCI investigation. This was Officer Lakoduk. Strandemo contrasts this incident with a use of force incident with Officer Collin Hall. It was reviewed by Lt. Haug and then given to the Chief. Hall did not hear a thing about it for over six weeks, because it was s sitting on the Chief's desk. Strandemo believes that the most recent officer involved shooting with Officer Lakoduk was investigated and cleared by BCI in a week.

In speaking to Acting Chief Plessas, the investigation into the officer involved shooting with Officer Lakoduk has not been completed by BCI and the Department is still waiting for the results of that report. That being said, it appears that Acting Chief Plessas was very transparent regarding the process and the support for the officers and Department.

Lt. McLeod is the Lieutenant in charge of Standards and Practices. He also conducts investigations and sends the report to the Chief for a decision on discipline.

Strandemo and the Intel Analyst reviewed communication programs for the department. He reviewed the one that Bismarck, N.D. police department used. Chief Klug did not select the same application. Strandemo says that for that system to work, the administration has to post regularly. In Bismarck, the Chief posted every day and the captains were also on the platform. The "atta boys" also came across the platform. Strandemo indicated that Chief Klug rarely posts to Evertel. We looked at his Evertel and saw that Chief Klug had posted before his administrative leave on September 11, 2024 on these dates: September 17, 2024; August 29, 2024; August 26, 2024; August 22,2024; July 24, 2024; July 20, 2024; and June 23, 2024. This does not include any "rooms" that the Chief may have sent communications that Strandemo was not a member.

Strandemo was also involved in creating the uniform policy that was given to Chief Klug in 2023. There were some issues with how officers were dressing for court. They wanted to update the policy for hair,

jewelry, and piercing. Generally, in November officers can grow a beard if they donate to a charity. Strandemo was on the committee and he/they went to a variety of places, reviewed their policies and worked on getting a uniform policy to Chief Klug. Chief Klug did not have an answer by the end of November 2023 so he extended the no-shave November into December if the officers donated to another charity, approximately $20. It was extended through April 2024 and ended May 1, 2024. Strandemo said that he has tested the respirators and believes the policy presented addresses any issues regarding the ability to obtain a seal on a respirator if the officer has a beard that complies with the policy.[11]

Jason Sundbakken

On November 1, 2024, Heintzelman met with Captain Jason Sundbakken. Sundbakken has been with the Police Department for 28 years. He was promoted in 2019 by Chief Olson. He is currently the Administrative Captain and is responsible for supervising the Administrative Lieutenant, Dale Chapman. He is responsible for the equipment, recruiting, social media sites, and records.

He is responsible for how the department recruits. He had a couple of officers, Roach and Shaide who wanted to work with Minot State University to help with recruiting. They were paid overtime and went to MSU as an outreach. They also sent officers to Alexandria Tech to the hiring fair. They usually send graduates of that school to attend the hiring fairs. They have a really good relationship with Lake Region State College in Devils Lake ND. He said that the problem with recruiting from the Criminal Justice program is that the people in the program want to be lawyers instead of police officers. He is constantly talking to staff about any ideas they may have for recruiting.

The director of MSU's criminal justice department is Dr. Rabe. He is not aware of a problem between Chief Klug and Dr. Rabe. There are times when Dr. Rabe is very difficult to get a hold of to discuss participating in his curriculum. They have had conversations with the college to try and participate in the curriculum to help with recruiting. Sundbakken states that police departments have a huge recruiting problem in that they do not receive same amount of applications or the quality applications that they used to receive.

There is a North Dakota Police Chiefs Association. There is also an MN Police Chiefs Association.

Sundbakken is responsible for the Records Department. Cheryl Gessner has been moved to Records. There have been some issues between Gessner and Roberts where Roberts called Gessner a "bitch." Gessner can be difficult to work with. She was the previous Chief's Secretary and has been with the department since 1989. She used to be responsible for the payroll system, but they have streamlined the process and implemented ADP in 2024 for payroll. The Chief wanted all administrative staff in one place to streamline workflow. Previously the administrative staff was very compartmentalized and they did not work together. Gessner was very unhappy with the move. Her current responsibilities are invoicing, billing, and payments in ADP. She does some work in MUNIS but she has not learned how MUNIS functions entirely. She does some of the review of expenses charged on the department credit cards and some requisitions

[11] Generally, the aversion to allowing officers to grow beards is because federal regulations prohibited beards if officers were going to use respirators. A beard prevented the officer from obtain a seal between the mask on the respirator and the officers face which created a safety issue. https://www.osha.gov/laws-regs/standardinterpretations/2012-09-14https://; ww.cdc.gov/niosh/npptl/resources/pressrel/letters/conformityinterp/CA-2018-1005-R1.html; Notably, NIOSH is in the process of re-evaluating how well respirators provide protection to workers with facial hair when using a beard band.https://www.federalregister.gov/documents/2024/07/25/2024-16351/partnership-opportunity-to-determine-the-fit-of-air-purifying-filtering-facepiece-respirators-worn

through MUNIS. She is generally scanning and saving the invoices to the application. Currently, the Chief approves all expenses.

They thought that Records would be a better niche for Cheryl. She reviews invoicing. She also reviews obituaries and finds former employees who died and removes them from the systems. Sundbakken describes Gessner's job duties as "ambiguous." He says that she is a good performer. Her office has been moved four times since 2020. Gessner was allowed to work from home during COVID, which may have created some issues as the department delivered hard copy papers for her to work off of since she could not access all of the systems from home.

The Office Manager position identified by Roberts was the Records Manager position, which is held by Trish Guthrie. Guthrie does a great job. When the command staff was interviewing for that job, they were looking for a person who could present new ideas. Guthrie did better than Roberts and was selected. She was interviewed by the Chief and all three Captains.

Community Outreach is handled by Caisee Sandusky, who is very busy and does not have enough support.

Sundbakken stated that the administration has discussed moving some positions to civilian positions (CSOs) so that sworn members of the department can be moved into patrol. Currently, they are talking about moving the two animal officers and traffic enforcement into community services and making them civilian positions. The administration needs to bring this to the City Council for the job description change and addition of civilian positions.

Sundbakken stated that he was part of the creation of the uniform policy. It was presented to Sundbakken and he sent it to the Chief. He has not received a response from Chief Klug.

Sundbakken indicated that when the decision was made to rotate people off shifts that they had been on for an extended period, there were some people, particularly the midnight shift, that was very angry about it. After Schoenrock was passed over for promotion, his personality changed. He was disgruntled. He would not say hi to people and responded very emotionally. As a result, the midnight shift also became disgruntled and this animosity created "cliques on night shift." At the same time, Chief decided to move the lieutenants off the midnight shift, because they were in the department sitting by themselves with not much to do. The lieutenants were reallocated so that there were two lieutenants responsible for patrol (instead of three), and one lieutenant was assigned to administration, one to investigations and one became the Standards and Practices lieutenant. The two patrol lieutenants stagger their shift and the department is still trying to figure out how to address and be present for the midnight shift. The idea behind moving the lieutenants off of the patrol shift was to give the sergeants more supervisory responsibility.

They used to have patrol meetings and the patrol officers received compensatory time for attending the meeting. They were not held regularly. Now there are command staff meetings and meetings with the sergeants and command staff. The sergeants are supposed to pass the information on to the patrol officers. The Chief and captains do not show up at roll call because they are busy doing their own work. The command staff meets every Monday and every other week the command staff meets with lieutenants. From there, information is supposed to be transmitted to the sergeants and officers.

Sundbakken believes that the Chief was able to have one-on-one meetings with the majority of the department. The purpose of the Evertel system was to convey messages to the department in a manner that is CJIS (Criminal Justice Information Services)[12] compliant.

Sundbakken has heard Chief Klug say that "we are all replaceable" in the context of the mission of the department must continue whether or not one individual person is present.

Sundbakken is also in charge of the department's random drug testing process. While the testing procedure requires a 2-hour notice, Sundbakken gives more advanced notice of being selected for a drug test because of the needs of the patrol operation.

When asked about some of the issues Alderman Fuller had regarding former officers, Sundbakken told me that Jay Laudenschlager had an injury to his cornea. Chief Balentine assigned him to Investigations. Laudenschlager was promoted to Sergeant at the same time as Sundbakken. There were concerns that Jay Laudenschlager was coming to work with alcohol on his breath. He had conversations with Jay Laudenschlager about some personal issues with ultimately his drinking started showing up in his work performance. Once that started to happen, Jay Laudenschlager was told that he needed to retire.

Sundbakken indicated that Chief Klug has tried to address issues of inconsistency with discipline. He created the position of professional standards lieutenant and appointed Lt. Haug who also handles internal investigations. He created and implemented the discipline matrix and consolidated discipline into one investigator and containment in ADP which is accessible to all command staff. He has made a concerted effort to professionalize the process and make discipline consistent.

In a follow-up conversation, Sundbakken also told me that he had a heated argument with Roach regarding his request for training out of state. All training had been stopped because of exposure during COVID.

Justin Sundheim

On November 1, 2024, Heintzelman met with Captain Justin Sundheim and his attorney, Chris Redding. Sundheim has been employed with the City since May 2000. He has been on patrol, a member of the Drug Task Force, and was promoted through the ranks from Lieutenant to Captain. He is responsible for operations, which includes Patrol and Dispatch.

He was working in Investigations when Chief Klug was promoted in 2020. When COVID hit, the administration was working from home, although some of the administration still came to the office. The patrol officers were working on the street.

When Klug became Chief, he visited the issue of reallocating the lieutenants. Something the command staff had discussed with Chief Olson. They also talked about moving people out of positions where they may have become stagnant. It was very difficult for some people to think about moving. They also

[12] The Criminal Justice Information Services is a division of the Federal Bureau of Investigation (FBI). CJIS compliance requirements protect national security while safeguarding the civil liberties of individuals and businesses and shielding private and sensitive information. It is an integral part of securing organizations for law enforcement and civil agencies, with access to criminal justice information (CJI) and ensuring they do not become victims of cybercriminals looking to exploit CJI for ransom or cause public damage.https://www.compassitc.com/blog/what-does-it-mean-to-be-cjis-compliant; https://le.fbi.gov/cjis-division/the-cjis-advisory-process.

discussed the need for the sergeants to be more involved in supervision. So, they changed to two lieutenants supervising patrol and staggered their shifts so that they could see all three shifts. This was not dramatically different from the weekends when there was no patrol lieutenant on duty. The midnight shift can call either the Lieutenant or Sundheim directly if they have an issue they need to discuss with a higher-ranking or more experienced officer.

It was not changed simply for the sake of change. If officers had issues moving their shift, or if there was some hardship that was created, the administration took that into consideration. Dan Wheeler is an example of an accommodation made. They did get a few requests for accommodations. They discussed the issue and hardship and Sundheim believes that they were able to accommodate every request made.

The officer meetings (Sundheim was unaware of the name "Free Talk Meeting") were not very productive. Sundheim made himself available a couple of times for officers to come to meet with him in a group. It was not mandatory, but some were told to come over by their Sergeant. He thinks about 20% of the department participated. Some officers were emotional about some of the decisions that were made, but Sundheim did not recall anything specific. When asked about the lower rating in Roach's performance evaluation, he indicated that it had to do with an altercation with Sundbakken. He did not say it was because of any participation in the Free Talk Meeting. Historically, the lieutenants prepared the annual evaluations such as in 2021. The Command staff wanted more input from the sergeants that worked with the officers daily so now the sergeants prepare the evaluations, it is reviewed by the lieutenant and then the captain, and then it goes back to the officer for a discussion.

The Chief normally does pinning, so he does not know if the Chief goes to the midnight shift and does pinning. He does not recall visiting the midnight shift himself.

They have moved away from testing for promotion and are trying to do an assessment center which may include people from outside the department. Generally, the captains will discuss the individuals and talk it through and then the chief will sleep on it for a day and make a decision taking into consideration input from everyone.

When asked about the "you are all replaceable" comment, Sundheim states that it is taken out of context. He has heard the Chief say that no one is irreplaceable concerning the mission of the organization. There is no one person valued over the mission of the organization. We want people to be happy at work and if they are not happy working at Minot Police Department then, life is too short; then go somewhere where you will be happy. But the mission of the Minot Police Department must continue whether you are here or not.

We also discussed the "Sammie Sosa kiss" or Hunger Games, a symbol of defiance. Sundheim said that it was the optics of people mocking the idea of "one shift" that resulted in one of the lieutenants suggesting that they discontinue the gesture. He did not think the intention was similar to the Sammy Sosa kiss.

The reason 2023 evaluations have not been issued is that they have a new process for evaluations. There are only two lieutenants and one has not been available for several months. Now with this investigation, there has been a further delay.

They have also talked about moving the ACO, Animal Control Officer, for which they have two, and the PCO, Parking Control Officer, for which they have one, to a civilian position. They must get City Council approval before they can hire civilians for those positions.

It has been difficult to manage the complaints from some that "nothing ever changes" versus others who are not receptive to change.

Chief John Klug

On November 1, 2024, Heintzelman met with John Klug and his attorney, Jesse H. Walstad. Klug has been with the department for 30 years in January. He was promoted to the position of Chief of Police on February 1, 2020. He attended the FBI National Academy in 2014 and the University of Northwestern Staff and Command program in 2010.[13]

He believes that he has completed the one-on-one meetings.

Concerning the issuance of discipline, Klug is aware of the issuance of discipline but it depends on the level of discipline. There are many times when he does not know about discipline being issued, *e.g.* a counseling notice or a written reprimand. In the past, the department handled all discipline internally. He tries to utilize the Human Resources Department for certain matters, like suspensions and he also speaks to the City Attorney. He may send the report over to Human Resources for a review and ensure he is taking the proper steps consistent with City policy as well as department policy.

Chief Klug has monthly one-on-one meetings with the City Manager. He prefers in-person meetings with Stewart and thinks Stalheim prefers in-person meetings as well. They have had phone conversations about certain items too.

On August 26, 2024, Alderman Fuller told Stewart that there was a morale problem at the Police Department.

On August 30, 2024, Haug, Professional Standards Lieutenant, informed Chief Klug and Sundheim that there was an accusation against Dan Batteiger. Supposedly a cadet made a comment to her co-worker about being in a relationship with Batteiger. The co-worker has a sponsor who is Jenna Olson. Jenna Olson works in the Sheriff's office. She reached out to Sgt. Jared Foley who is responsible for the Cadet program. Foley contacted the juvenile's mother. The juvenile's mother indicated that the juvenile makes statements about her desire to date after she turns 18. The mother looked at the girl's phone and did not think anything was occurring. Foley should not have contacted the juvenile's mother before notifying command, but he has received discipline for recent judgment issues. Chief Klug advised Sundheim and Haug to tell Foley and Batteiger that they are under notice of an internal investigation. The juvenile was out of state and would return on Monday, September 1, 2024, which was a holiday. When Chief Klug met with Fuller on September 5, he did not know the outcome of the interview with the juvenile.

On September 5, 2024, Chief Klug met with Stewart, Stalheim, Fuller, and Monica Porterfield (HR). Fuller was talking about Batteiger's disciplinary issues and that Batteiger should be terminated for losing the heroine in the drug kit . Chief Klug said that all of Batteiger's issues revolved around a period when he was having personal issues. He was getting divorced and this resulted in Batteiger making some bad decisions. Once he was able to get a handle on his issues, after the canine investigation, Batteiger was on a path of returning to be a good police officer.

[13] The FBI National Academy and the University of Northwestern Staff and Command program are nationally recognized and highly valued training for police department leadership.

Chief Klug said that he did not terminate Batteiger because he could not prove that he took the drugs or that he lost them. Chief Klug had policy violations from Batteiger, but before Chapman changed the policy, Batteiger complied with how the canine officers had typically handled the drug kit. Nevertheless, Chief Klug removed the canine from Batteiger and removed him from all of his training opportunities so that he could focus on getting himself together and being a good officer. He lost a lot of opportunity as a result of the investigation. Chief Klug also held Lt. Chapman accountable for not reviewing the logs and holding Batteiger accountable. Concerning destroying the drug kit, Batteiger's mistake was not involving Jensen in the process. They have to get DEA approval for the destruction of the kit. It cannot be done in the same manner as the destruction of other evidence under state law. Batteiger's mistake in thinking that the drugs in the drug kit are destroyed in the same manner as other drugs are destroyed was wrong. It is a mistake that other canine officers have made because they are unfamiliar with the process and do not destroy drug kits frequently. Chief Klug did not conclude that Batteiger was trying to hide his mistake by destroying the drug kit.

Chief Klug discussed his interactions with officers with mental health/alcohol issues. He recalled a session he attended at the International Association of Police Chiefs' conference where the discussion about officer wellness was not about whether we can terminate an officer's employment, but rather whether there is anything we can do to help them get fit to do the job. If an officer is having a personal issue that affects his ability to do the job, Klug believes he needs to know about it.

On August 30, 2024, Chief Klug received a call from a former council member that Alderman Fuller was in a bar sharing information about an ongoing criminal investigation. At the time, Chief Klug thought it was a Minot Police Department case. He spoke to Plessas who said that it was a highway patrol case where the incident occurred at the fair. Klug recounted that Batteiger responded to the crash and the passenger in the car was a deputy's son. Becker also responded to the call. The case was given to the highway patrol, because of the potential conflict with the sheriff's office. Sgt Ruelle was there as well. When the highway patrol showed up, Becker walked around telling the highway patrol to check everyone's body worn camera to make sure everyone is telling the truth. As it turned out, the accident and response happened as everyone said it did. However, Becker is the officer who stated that she would not back up Batteiger. Chief Klug felt that her statements on the scene were a concern and thought the Sheriff should know about her statements that she would not back up one of Minot's officers.

Minot Police Department will back up the Ward County Sheriff's Department and vice versa when necessary. Chief Klug does not know if there is also an intergovernmental agreement to that effect. He is unaware of any issues between Minot Police Department and the Sheriff's office.

Klug believes that Fuller has an internal source at the Sheriff's Department to obtain information and he is sharing information publicly. Chief Klug and Sundheim had a meeting with the Sheriff and Chief Deputy Larry Hubbard later on September 5, 2024. No one knew about the meeting with the Sheriff except for the attendees.

Before Fuller left the meeting on August 30, 2024, Fuller asked two questions:

- Did you schedule a meeting and Larry Hubbard regarding Kristen Becker; and
- Is there anything else on Dan Batteiger?

Chief Klug told him that he had a meeting with the Sheriff but stated that there was nothing else on Batteiger. Chief Klug intended to tell the Sheriff that Fuller had someone inside the Sheriff's Office

providing information to Fuller about investigations and, the second piece of information was about Krysta Becker's statements from the incident at the fair.

When he was asked the question by Fuller, Klug knew that there was an issue with a juvenile, but did not know if there was anything to it. He did not want to share with Fuller, because he thought Fuller was sharing information with others in a public setting. Chief Klug was waiting until September 9, 2024, to determine whether they needed to do an investigation or whether they could confirm the information with the juvenile. Chief Klug did not follow up with Stewart after the meeting to tell him about Batteiger.

Chief Klug does not believe he lied to Fuller, Stewart, or Stalheim because he did not know if there was anything to the allegations, and it turns out there was not, and he was trying to protect the integrity of the case, since Fuller is talking to people about cases outside of the department. He believes that Jenny Olson was the person who told Fuller about the recent juvenile case with Batteiger. Both Foley and Olson are mandated reporters but they are not mandated to report to Fuller or the juvenile's mother before reporting to the department. Nobody filed a complaint regarding Batteiger's conduct before the meeting with Fuller.

Chief Klug found out from Stewart that Fuller told Stewart that the Little Caesar's employee told Jenny Olson, who is a Sheriff's Deputy, Olson told Becker who then told Fuller about the incident with the juvenile.

Chief Klug did not call Stewart after the meeting with Fuller on September 5, 2024. After that meeting, Klug went to a meeting with the Sheriff. Stewart and Stalheim called Haug and asked if there was an investigation with Batteiger and a cadet. Haug said yes. Chief Klug admits that he does not always see eye to eye with Stewart, but they work together and work things out. Fuller is not following procedure and putting himself in situations where he does not belong. All of Fuller's inquiries should be done through the City Manager. He was placed on administrative leave on September 11, 2024.

The discipline matrix is modeled after the San Diego Police Department's discipline matrix with modifications consistent with Minot Police Department's operations. It has been a work in progress for the past two years and they are seeing how it works in the department. The discipline matrix is a starting point for a determination of the appropriate level of discipline. The decisionmaker must then factor in the employee's performance history and the specifics of the particular incident. Notably, counseling memorandums are kept in the department pursuant to the matrix.

The promotional process consists of a test and interview. They have implemented the review panel with scenario-based questions similar to an assessment center. There are more people involved in the evaluation process including people from outside the department.

Chief Klug admits that he dropped the ball on the uniform policy. They were too busy putting fires out and did not realize the impact on the organization.

Concerning the most recent incident with Lt. McCloud, Klug spoke to the Aida County, juvenile investigator who indicated that they would not have conducted the polygraph in the way that it was conducted. He also spoke to the investigator from Butte MT, who is a Sergeant and an SRO on the investigations side. Chief Klug does not recall any inconsistencies with McLeod, but does recall that the dates and years that the mother claimed they were with McLeod changed when she was informed that McLeod was not in attendance at the family event. Chief Klug indicated that there is a belief that the dad began the abuse but the investigators interviewed the mother with the father and therefore did not receive any

information from the mother. Chief Klug investigated the incident, because Sundheim is friends with McLeod and Plessas is McLeod's brother-in-law. If a disciplinary decision has to be made, Chief Klug is the one who will make it.

Klug runs some of his personnel issues through Human Resources and some through the City attorney.

In 2020, the captains did the evaluations. That process has since changed so that immediate supervisors (sergeants) prepare the annual evaluations for the patrol officers.

When Schoenrock first applied for promotion to Lieutenant, Chief Klug had a colonel from the Air Force base sit on the assessment center. His comment to Chief Klug was that Schoenrock does not know when to stop talking. His inability to control his emotions may be mistaken for passion about the job, but in the colonel's opinion, he would not promote Schoenrock because he beats an issue to death. Chief Klug said that when he was applying for the Chief's position, Schoenrock said, "I'll do anything to get you in the job. Let me know if you need me or my wife to help." Chief Klug said that everything changed when Schoenrock was not promoted. Dave Chapman was promoted over Schoenrock.

Chief Klug does not recall Schoenrock asking for any accommodations, because of problems with his neck or sending Schoenrock for a fitness for duty.

I spoke to Chief Klug on November 8, 2024, and his attorney Jesse H. Walstad and asked some follow-up questions. Chief Klug does not have access to a list of people he had one-on-one meetings. He believes he may have spoken to 50% of the officers.

Concerning Kevin Cory. There was a lawsuit against the City and a settlement with a non-disclosure agreement. Cory had another incident and Chief Klug asked McLeod to look at the past year's body worn camera video to see if there was a pattern of violation of the code of conduct. If there is a pattern, then the Chief has to report the conduct to the Post Board. Even if Cory remained employed by the City, the Chief would have to report the conduct. They discussed the pattern that they observed with Cory's behavior and he ultimately chose to resign.

Concerning Erik Laudenschlager, he came to talk to the Chief about being passed over for promotion. Erik Laudenschlager said that he thought he was being passed over because of his father's alcoholism while he was an officer. Chief Klug told him that was not the case and that his dad does not work here, but you do. Chief Klug did not think Erik had demonstrated sufficient performance to be promoted over the other candidates. Erik made some other comments and the Chief responded that he was "not going to stop you from quitting." Erik Laudenschlager decided to quit.

Chief Klug believes that the only complaint is the beard policy, which did not rise to the level of a priority with COVID. However, the beard policy was presented in November 2023. Klug stated that he wanted to see what the officer's version of a neatly trimmed beard was after a period of time.

He has terrible leadership issues in Dispatch. They are trying to build the leads to take charge. He hears all the time that the "culture sucks", but unless we work on it, it will not change. It is not an option to fire everyone so we have to learn to work together.

Chief Klug indicated they did not implement any additional training or one one-on-one training as a result of the investigation in 2021 regarding Wegner. He stated that Wegner was recently recommended and recognized by the ESGR and was recommended for the award by a woman.

Chief Klug points out that no one has appealed discipline or filed a grievance. At the time discussions regarding conduct occur, people act like everyone understands the process. He states that he has done the best that he could.

Chief Klug is unaware of any issues between Sundheim and his wife.

As part of this investigation, I reviewed numerous documents including some emails from Chief Klug. On March 18, 2021, Chief Klug sent an email to PD@cityofminot.onmicrosoft.com which is presumably the police department's group wide email. In that email, he addresses the fact that he has not completed the one-on-one meetings he promised to have with the members of the police department in April 2021. He then explains why he did not meet with everyone, "This meeting was intended to take place last year, but… YOU KNOW…COVID HAPPENED! 😊" (emphasis in the original). (Attachment 33 - A Hugg email 3/18/21)

On June 9, 2021, Chief Klug sent an email to the same email address addressing some concerns about his failure to meet with officers in the one-on-one meetings. Chief Klug was away from the office dealing with personal issues. He again uses all capital letters for certain words in the email. Chief Klug may not understand that the use of all capitals in an email is the equivalent of yelling.[14]

> I don't think I OWE an explanation, but as I prepare to ramp up my efforts to start this meetings, I want to be 100% transparent in the "WHY" I haven't met with many of you. To be clear, my Captains (your commanders) ALWAYS know what I am dealing with personally and professionally so they can help with answering questions if I am unavailable – don't hesitate to ask them if I am not available." (Attachment 34 - Klug email 6/9/2021).

He then proceeds to describe all his efforts to help his wife and address his mother-in-law's passing. He also discusses his work on the budget and what he is trying to do for the Department and its members by seeking more money. At the end of his email, he states:

> Lastly and most importantly, I will never turn you away from my office (within reason – such as if I am already in a meeting). Even if my door is closed – please knock. I will pause to talk to you and if I need some time to complete another critical task, I will ensure to set up a time we can meet that works for both of us. If you have an emergency you need to speak to me about – lead with that information when you talk to me. Each of you are my priority. The one-on-one conversations have been a great experience and very enjoyable conversations have been had. This process is important and each of you are important to my mission. Please, be patient. some of your co-workers have talked for almost 2 hours. I have not cut off one conversation once we start.

This email provides an excuse for the Chief's absence, in capital letters, and his busy schedule. As an afterthought, he identifies the employees and then puts them off. As of September 11, 2024, all of the one-on-ones were not completed.

Shane Haug

On November 4, 2024, Heintzelman spoke to Shane Haug. Haug is a Lieutenant in the Police Department. He has worked for the department for 22 years. He is the Professional Standards Lieutenant and conducts

[14] https://347group.com/email-etiquette-5-simple-rules/

policy reviews; background investigations; and internal affairs for sergeants and patrol officers. Investigations of lieutenants and captains go to a Captain or the Chief.

On October 31, 2024, he attended training for the position. He participated in online training and in March 2024, he went to the Southern Police Institute in Louisville, Kentucky. He also went to staff and command school. The department uses Lexipol for policies. He reviews the policies and presents them to the command staff for approval. He cannot approve the policies on his own. Their personnel complaint policy is from Lexipol.

Haug, Wegner, and Sundheim had meetings about the radio issue that Shaide identified. Haug and Sundheim had their actual radios tested in the areas and they worked. They switched away from the two-wire microphone and now they don't have any problems with the radios. Haug does not recall Shaide bringing up his radio issue with Haug directly.

Haug was present during the Blanchard incident. Blanchard was intoxicated. Haug had Ruelle utilize the breathalyzer and confirmed Blanchard was intoxicated. At that time, they did not charge him with a DUI. They called him a ride and sent him home. Haug did not see Blanchard driving the car. He does not know what the punishment was, but he was removed from the SWAT. Haug knows that because Haug was on the SWAT team.

Roach was upset that he was unable to get a response back from Chief regarding free training. Haug remembers that the car was denied and then he was told that he could not go to the training. It was during or right after COVID. All training was stopped during COVID. He is not aware of an issue between Sundbakken and Roach on the training issue.

He does exit interviews, but does not know who reviews them. He prints off a copy and sends them to the Chief and Captains. They are not sent to the City or Human Resources. He was told to remove the names from the exit interviews because of records requests. There are no dates on the documents as well. The complaints he has heard about concern Margaret in dispatch and Greg Johnson in investigations. From patrol, he hears complaints about communication; training, FTOs and the Administration. Dispatchers complain the worst about Margaret. The PSAP does not have enough personnel to separate and move people around so that they spend less time with each other.

Haug enjoys the policy review. His predecessor was McLeod. Haig had no investigation experience. He enjoys the time and the policy updates. He writes a report and then gives it to the Chief for review. Sometimes he does not hear back from the Chief for a significant period of time.

Haug said that unless a Use of Force Board is convened, Haug cannot close the internal investigation until he receives the BCI report regarding the incident. He compared this to the recent officer-involved shooting involving Officer Lakoduk. In the Lakoduk situation, Plessas convened a Use of Force Board which included a member of the Sheriff's Department and an individual from BCE. There is a five-member Board that evaluates use of force when there is a fatality or serious bodily injury as a result of an officer's use of force. This Board convened in August/Sept 2024 and reached a decision. Along the same lines, Officer Hall had a use of force incident at a domestic in June 2024. Hall shoved a guy into the car. Based upon the evaluation, the Board concluded that there was a violation of the Standards of Conduct, but the Board exonerated the officer on his use of force. The report of that incident sat on the Chief's desk for nine weeks.

On August 30, 2024, there was a report of an issue with a juvenile and Batteiger. Foley told him and Sundheim and they called the Chief. The accusation was from a girl from the Cadet program who works at Little Caesars. She is 16. She told a co-worker, who is 30 and is a rehabilitation specialist that she had a dating relationship with Batteiger. This came up during a discussion about "cute cops" and she showed a picture of Batteiger. Foley called her mom and the mom went through the girl's phone and there is no contact between the girl and Batteiger. Foley is in charge of the Cadet program. There was no opportunity for Batteiger and the girl to be alone. The juvenile denies that there is any relationship.

The City manager Stewart asked is there is a criminal investigation and to keep them apprised of what happened. Batteiger was put on administrative leave. BCI came in to investigate the allegation. Stewart and Stalheim asked if the Chief Klug knew about the allegation against Batteiger and Haug said "yes." Haug believes that Jenny Olson told Becker and Becker called Fuller and told him (Fuller) about the issue. Foley and Batteiger are under investigation.

Klug did not call Stewart after the meeting with Fuller on September 5, 2024. After that meeting, Chief Klug went to the meeting with the Sheriff. Stewart and Stalheim called Haug and asked if there was an investigation with Batteiger and a cadet. Haug said yes.

The lieutenants and captains had meetings to discuss the discipline matrix to create consistency. There is no reason not to have Human Resources involved.

Haug does not supervise anyone and has no ability to discipline anyone. He would be limited to counseling. The department has a folder for counseling and reprimands. This folder has been in existence for decades. Suspension documentation is stored in Chief's office and in ADP. Any officer that has discipline should have information there.

Haug keeps a list of complaints that are made against officers that he investigations in his capacity as Professional Standards Lieutenant.

Margaret Haugen - Dispatch PSAP Manager

On October 2, 2024, Heintzelman interviewed Margaret Haugen. Haugen has been the Public Safety Answering Point (PSAP) manager (Dispatch) since February 1, 2020. She's been working for the City of Minot for 17 years. Shortly after she was promoted, COVID happened. She was promoted the same day as Chief Klug.

In November 2023, the Dispatch Center moved into their new location at City Hall. It was difficult. The dispatchers remained in their previous location for several months before they moved over. In this new location, the dispatchers are down the hall from the main dispatch area. Her office is some distance away, so she feels somewhat disconnected from the dispatchers. They have been working 12-hour shifts for the past 3-1/2 years. Many are burnt out, although there is some negativity in the department regarding the shift schedules, they don't have enough staffing to move off of the 12-hour shifts. She is hopeful that they will get close to fully staffed soon enough, because they have three people in training then they'll only be down one person. Their training requires six weeks in the classroom. The new trainees are in their third week. She is hopeful that they will be in dispatch in November and December. Their minimum staffing is two people on a shift. They are given paid lunches and breaks. On a normal schedule, they would have three staff members and work 7:00 a.m. to 7:00 p.m. When they take breaks, if they are going to be in the area, one to two minutes away, they carry a radio. If they need to leave the facility, they take PTO

time. They receive paid lunches of 30 minutes and two 15 to 20-minute breaks. They can always get up and get coffee or go to the bathroom unless they're on a call.

The starting pay is $22 per hour. The supervisor with the longest tenure is receiving $39 per hour, so they are competitive with other dispatch centers. She does not believe she micromanages the dispatchers. They are like one big family, but they are separated from the rest of the City. She moved in June 2023 to the new location and the rest of the dispatchers came on November 19, 2023 she thinks it is getting better.

After Blanchard's suicide, there was an assistant PSAP manager who had known many of the employees at the City, but she had only been working for the City for two weeks. She was killed in a motorcycle accident. They also had a former deputy killed plus they had to move their location. In addition, they have had two Assistant PSAP Managers. Haugen's opinion is that dispatch has a lot of upset people. She says that she recently hired a new Assistant PSAP named Wayne Fahy and he is fantastic.

She said that Sundheim oversees the Dispatch Center, but Klug is responsible for it. They have been having meetings regarding the morale and issues in dispatch between Chief Klug and the lead dispatcher trying to bring them into a supervisory position.

Barbara McPeak

On October 8, 2014, at 1:30 p.m. CT, Koelbel interviewed Barbara McPeak via Zoom. McPeak is a former dispatcher and PSAP Manager. She is now a retired employee. She retired on January 30, 2020, and returned to work for another two years as a dispatcher. She applied for the Assistant PSAP position to handle the training, scheduling, and problems in the dispatch center (training, recruiting, and getting people to position). The first Assistant PSAP was killed in an accident. Second Assistant PSAP, Juana, went back to Bismarck. McPeak has over 30 years in the Police Department and four years as PSAP Manager.

She retired at 76% at the highest two years by the time she was done with all.

She would come in to cover lunch breaks three to four times during the week, never on the weekends. For two years a month after she retired. Then she stopped being asked. She went on vacation and then came back in November two years later, in 2022, she told Margaret that she felt that Margaret was not doing as well as she should. Then she quit working part-time.

McPeak applied in May 2024. She feels there was no reason why she should not have gotten the position. She said she wrote the training manual and guides for the Dispatch Center. She wanted to try to get things back on track and mold someone to be the manager.

She was very upset that she was not selected for the Assistant PSAP position. She went to speak to the councilman, because she felt she should not be treated that way. She is 60 and has a good five years to give. She thinks she was not hired, because she is female. She now feels that they tried to make every position a male position. She could have sued. She was working 12-hour shifts. The interview was not normal, it felt more like a conversation. "One of the number one things to do is to fix the 12-hour shifts." She feels no one should sit for 12 hours for mental health and family reasons. If they want to leave the building, they have to take PTO or call in someone for a half hour. The Police Department has to pay overtime every single week for every dispatcher, because of the 12-hour shifts. From a manager's perspective that does not make sense. How does the budget work?

She believes the PSAP Manager gets paid a ridiculous wage. It takes two or three weeks to get to know what is going on in the dispatch room. The Assistant PSAP who was just hired, Wayne, will take forever to get up to speed – eight to ten months, which is how long it takes to train a dispatcher. The pay is $80,000.00. He trained paramedics. So, she feels the cost is being wasted, which bothers her. As a citizen, she sees the money as wasted.

Once you get on the hiring list you stay on the list for one year so if Wayne did not work out then she would be next. She feels she gave so much to that place. Captain Jason Sundbakken notified her that she did not get it, not Chief Klug. She was told they were going in a different direction, but Captain Sundbakken was not involved with the hiring process and could not answer any questions about it. She had four letters of recommendation. The letters are included in the documents provided by the City.

Part of the reason she feels she was not hired is that she was friends with Margaret Haugen. Then at one point, she told Margaret she was worried for her when Margaret became PSAP Manager but Margaret made it work. Margaret said that she was concerned about the role reversal over coffee if McPeak was hired as the Assistant PSAP.

Chief Klug took over the day she left. She has known him for 20 to 25 years. He has major integrity issues. One night he got drunk and showed up at her house crying about his first wife. McPeak drove him home and sat with him while he and his wife tried and talked things out. He was good in the lower ranks. You form a bond with these brothers. He never bitched or complained even if he was dispatched to an undesirable call.

Chief Klug “was super pissed” at her, because in the interview she brought up that the long shifts cause the customer service level to go down. She used to be friends with Chief Klug. One reason he would not want McPeak back is that she has a voice. He would have been concerned that she would have found out about the “bs” that was going on in the Police Department. She could not believe some of the stuff that happened at the Police Department. She would find out from everyone else. She never had any firsthand problems with him. But as soon as he got the Chief position it went to his head. She later believed that he didn’t care if she applied for the position or not.

An SRO officer told her that she should have gotten the position. She feels that once she was not hired the camaraderie changed, because they all felt she should have gotten the position. McPeak expressed that there are many issues with the dispatch team from top to bottom. The reasons follow: Margaret could not make a decision; people are negative towards her because she is always answering only to Chief Klug and Captain Justin Sundheim and not standing up for the dispatchers. For example: The move to the new Dispatch Center. The setup is awkward. Everyone faces the wall. Captain Sundheim’s answer that it was for ADA compliance did not make McPeak happy. The dispatchers can hardly talk to each other. The administration did not ask any dispatcher for input when the room was set up. When the old Dispatch Center was upgraded, they asked dispatcher's opinions. The Dispatch Center is in the basement. Cannot even go outside and walk around the building. No sunlight at all. If you are a smoker, you cannot go outside.

Margaret does not come out of her office to give people their lunch. If they do not bring lunch, they do not eat lunch. Margaret changed the dispatch system. She did have a lot on her plate.

One of the dispatchers, Lacie, was involved in an accident on an ATV and she dropped the injured person off at the hospital and left. She was eventually arrested. Lacie applied for Assistant PSAP as well. When

former dispatcher Amanda was fired or asked to resign, she had valid points about Margaret violating HIPAA and talking badly about dispatchers. But Amanda had her issues herself. Another dispatcher said her brother died and it was a lie to get time off.

There is no concern for the health and welfare of the dispatchers and zero regard for them being good employees. She took a suicide call of her own cousin. Never got emotional on the phone, but when received a call about a little boy home alone she completely broke down. Margaret says there is nothing she can do. McPeak's people wanted to work for her. She never said you have to find your coverage. McPeak says she treated people like people instead of just a number in a box.

If you have never been a dispatcher, you don't get it. Currently, no one can take a vacation. Everyone is so negative. During her time, McPeak did not have it that bad, because it was a different management. She realizes life is different now. During COVID, they locked down dispatch. But even after the pandemic, they kept the door locked.

Samantha Newman

Koelbel interviewed Samantha Newman via Zoom on October 8, 2024, at 4:00 p.m. CT. Samantha has been a dispatcher for 3.5 years and was hired in April 2021.

Currently, including trainees, they are only short one of the full staff goal of 17. There are 16 hired, but only 12 can operate on their own. Dispatch has not been fully staffed the entire time she worked there.

When Chief Klug was first appointed, he said would meet with everyone in the department one-on-one. When he came to dispatch, he would not really speak to anyone. He would walk around the room and leave.

Concerns with the Dispatch Department include lack of follow through. Following are some examples. When Margaret said she was going to pull people for one-on-one. On Tuesday, she sent the email about meeting one-on-one and by Friday nothing had been done. Concerns were brought to Captain Sundheim regarding the hostile work environment in dispatch.

Samantha was put under *Garrity* for some very mean comments she made to another employee. The investigation began in February. Eight months later she received a resolution. The only reason she found out the result is because of this current investigation. Sam has heard of an employee who was on *Garrity* for 18 months.

The incident involved a trainee. Samantha took responsibility for some allegations and some she denied, because they were simply not true. Intimidation tactics were used. In the process of investigation, Captain Sundheim accused her of being a liar for not showing emotions. Samantha wondered if it is because she is female, that she has to show more emotion further asking if the Captain would ask a male employee the same question.

For the most part, she can get along with everyone. If there is an issue, they are able to conflict resolve and talk like adults. The job is traumatic. They lost two officers. One by suicide and one was murdered. The trauma was bonding.

Some dispatchers were missing a lot of work because of mental health days. The suicide officer called into dispatch. The department handled it terribly. Not all officers and not all dispatchers were notified of the suicide of someone with whom they worked daily.

Deputy Nick Van Pelt who worked with Burlington Police Department part-time was murdered. The announcement of the murder came via Evertel, the secured messaging system. The announcement was comprised of two sentences and minuscule. Samantha took the call on Christmas Eve 2023.

Dispatch was left unmanaged for so long. Dispatchers come and go and do their jobs. They fall under Police Department Administration. No accountability and no follow-through. There is no trust in their administration. Both Police Department and Dispatch Administration.

There is a good split between seasoned dispatchers and new employees. It is a year before the new dispatchers are ready to be good.

Six or seven dispatchers left during the time Samantha worked there. Many were seasoned ones. One new dispatcher who came from Florida with experience also left. It is a grueling process to learn the job and the system.

There is a lack of accountability of management and subordinates. There are no policies to hold themselves accountable. Nothing is in writing. She wishes that somehow, they could highlight the folks who show up. There is a high turnover rate, but the ones that show up are overlooked. They often work 100 hours per pay period. In ten weeks, she worked over 400 hours. They are scheduled 84 hours per pay period. Night shift dispatchers were expected to work nights and days. They had ten dispatchers at the time with a minimum two dispatchers on shift. They have no breaks. Especially at night, they do not get breaks. They can go to the bathroom or heat leftovers. And you have to take the radio with you to the bathroom. There is no time to just decompress.

The new center is much nicer than the last one. They moved to a new center in November of last year. There are three monitors on which one can watch movies. That is their window. There is more space, so they are not sitting on top of each other.

Margaret discussed Samantha's training with her husband's supervisors. Her husband is a firefighter. Margaret used the schedule as punishment. When Samantha asked for an extra person on shift rotation one time, she was scheduled to not work any weekends and the other dispatchers felt she was receiving special treatment. Discipline is inconsistent. For example, for hostile CAD messaging, two other dispatchers received just write-ups. For call-in policy violations, some people did not receive any punishment.

Juana, the former Assistant PSAP, would publicly fight with Margaret. Captain Sundheim told her she needed to learn how to conflict resolve. She found another job and announced that Friday was going to be her last day. Juana asked Samantha to be a trainer, but there was no training program or materials. Trainees were not retaining information and no assistance was provided. Trainees came out not knowing anything or how to even log in. She was to produce policies and manage day-to-day activities.

Wayne, the new Assistant PSAP, is a breath of fresh air. He is developing a training program. He was an EMS instructor. Margaret may be able to be an effective leader if she can let go of control and instead just focus on her administrative tasks. Even if Margaret worked 10 to 14 hours a day seven days a week, she would not be able to handle both jobs. The position has not changed over the years.

Ultimately, Samantha loves her job and hopes it will get better.

Justice Brown

Koelbel interviewed Justice Brown via Zoom on October 9, 2024, at 10:00 a.m. CT. Justice was hired in April 2022 and has been in the position for 2.5 years. Currently, the Dispatch Department has 11 fully trained, two in training, and three new hires just out of classroom training.

Chief Klug is located at the PD. Before the Dispatch location was moved, Chief Klug did not come around often. After the move, dispatchers do not see the Chief. On December 29, 2022, when Justice took the call about Officer Pat Blanchard's suicide, she did not realize she needed mental health support. When she did seek support, Chief Klug directed her to services and support.

A lot of people are frustrated with the Chief. People getting talked to and receiving disparate discipline and viewed as unfair. When she has issues or raises questions, she gets the runaround but cannot get to a definite answer.

Captain Sundheim oversees Dispatch. Justice did not have anything noteworthy to account.

The job of a dispatcher is very difficult. She has heard that previous leadership was better. Dispatchers were not allowed to take time off at all during the pandemic. Everyone was very burned out and frustrated. Since she started, there has been a lot of turnover. Some left because they could not do the job, and others because the environment was toxic. Since she started, dispatchers have been scheduled 84 hours per pay period. Four of those hours are overtime. The shifts are 12-hour shifts. Right before the move to the new location, the process to switch the payroll system to ADP began. In the past, an actual person would handle timekeeping issues, vacation requests, etc. Dispatchers could call someone in to cover lunches. After the move ADP was fully implemented, management told her that she had to clock out for lunch or use PTO.

As for the new location, she understood that the City received a lot of funding to refurbish a new place. Dispatch was supposed to be at the top floor and access would be secure. The result looks nice. Technology is top of line. There are cameras. It is a nice facility, but there are no windows so there is no natural light. When working 2-people-shifts they cannot leave the building. There are two day shifts and two night shifts. Her day shift has three dispatchers, the other day shift has four and the two night shifts have two.

Margaret Haugen's management is inconsistent as is discipline. Certain people are allowed to misbehave without consequence. On the other day shift, another dispatcher was out for a long time and a call for OT went out, sometimes for four-hour blocks. When others have to cover themselves. Margaret is not efficient or proficient at her job.

When she started, she realized the culture was going to be rough. When she was with trainer Jackie, Margaret would come in and talk "crap" about the person who was on break. Margaret further used the schedule to retaliate.

When so many dispatchers complained about Margaret, they did 360 surveys because of so many allegations against Margaret. It was supposed to be a confidential survey and only Captain Sundheim and Chief Klug were going to see and not Margaret. Justice is not sure, but she thinks, Margaret went to

leadership training. Somehow Margaret found out what the questions and what the dispatchers' answers were. There was not much follow-up and they are not listened to.

After the suicide call she received, she was moved to the day shift. Jeanne made things more difficult for Justice. One time Jeanne told Justice to stop breathing, and another time to not talk before noon. When reported to Margaret, Margaret responded by asking if Jeanne was up to her old tricks. At Margaret's request, Justice typed up a brief account of the occurrence and gave it to Margaret. When Margaret talked to Jeanne about Justice's concerns, Jeanne began making snide remarks and comments when Justice was present.

In another instance, Sean, who is a lead, covered for Justice when the emotion of the suicide call she took caught up with her. Justice was working alone with Jeanne and began to cry. Justice called Sean letting him know she did not think she was able to continue her shift. Sean came in right away and Justice ended up taking time off. When Justice came back the next week, Jeanne walked up to Justice and asked her if she was going to cry again. Beth, who was on shift the whole time and witnessed the remark, when asked, could not remember anything.

Margaret told Justice that Beth and Jeanne wanted Justice's sick time to be looked into after she took the time off mentioned above. They raised the issue as Justice was there when she was not supposed to be there and taking time off when she was supposed to work. They felt Justice was spending too much time there at shift change talking to the night shift and calling in when she was supposed to be working. The chat with Margaret, Justice suspects, was for show to get them off Margaret's back.

Justice wanted to join the volunteer firefighters. She wrote a letter requesting approval as required, but the request was blocked. Margaret said Chief Klug blocked it, but she found out from a senior dispatcher that it was Margaret who blocked it. She wrote another request and submitted to Chief Klug and it was approved. Jeanne would constantly comment about Justice "of course wanting to get traffic on firefighter calls." Once Jeanne put a dispatch call on hold and told that one of them (Justice) should take it.

Her shift is a day shift comprised of Justice, Jackie, and Beth (13 years – Lead for whom she has no respect). Beth gets animated when her authority is challenged. Management, meaning Margaret, is aware of all of Beth's malicious behavior, but does nothing.

One particular week, Justice was going through a lot: her divorce, her grandmother passing away, and a friend dying of a heart attack. After dealing with all that, she slept for eight hours, went on a fire call, slept six hours, then went to work. Fifteen minutes before she leaves for the day, Beth asks to speak to Justice. Beth lectured Justice as her supervisor, regarding how dispatching takes precedence over volunteer firefighting for over a half hour. She kept going until Justice starts to cry because firefighting is her life. Justice ended up leaving 20 minutes after her shift ended.

When fires were occurring all over, Justice was paged out to a fire, but didn't go because her lead told her not to. She told Juana and Margaret about it. They asked her if she was okay. They told Justice that she does not have to worry about firefighting being taken away.

Lacie, another lead, gave classroom training. Ashley, Justice, and Lacie were put together. Lacie seemed distracted. She was out for two months. Went to a work conference and just came back in less than a month. People were upset about the sexual comments Lacie made to them. Lacie used to grab people's butts, which were brought up to Margaret.

Sean was the only guy. They know that things will be handled when he is on call. He had her back through a lot. Justice got along with Juana – somewhat. But Juana did not know their systems and Juana and Margaret did not get along.

Wayne has a way of training and teaching that does not make you feel stupid. He demonstrates a drive to learn the systems. He also provides clear answers on policy. It seems like things are improving.

Justice is not aware of a grievance procedure.

Amanda Wright

Koelbel interviewed Amanda Wright via Zoom on October 9, 2024, at 2:00 p.m. CT. She worked as a dispatcher from 2017 to 2020. She was forced to resign by Chief Klug in July 2020.

Chief Olson had just retired, and Chief Klug was just starting. There was a hit-and-run on Broadway in front of the Taco Bell. She was told to answer a call from Margaret's console, so she did not have all of her equipment on hand. The call was from a gentleman asking questions about the accident. She terminated the call with the gentleman, but could not punch a card.

Two weeks later Chief Klug called Amanda back in. This was her first real interaction with him. The parents of the boy were allegedly suing the department. It turned out that it was the driver on the phone call she took on Margaret's console. Chief Klug said this is in the file, but it was not a big deal. Then it was investigated. She was suffering from severe [redacted]. She is currently working with a [redacted]

Amanda was working four ten-hour shifts. It is a quick turnaround. She was not sleeping. The environment in dispatch was horrible. Margaret kept promising a day shift. Ultimately termination was recommended, but she was given the option to resign. She went home in shame. A year later she was reading the termination paperwork and it listed two incidents: a warrant that was not removed from LMS, and a medical call received in error. She deviated from instructions from the card.

After termination, Amanda found out Margaret told co-workers that Amanda claimed mental health issues, but Margaret "knows others with real mental health issues" and did not think Amanda was suffering from the same.

There is an EAP program. Chief Klug's wife was a therapist in the EAP program. She was the only therapist that had openings. They are sworn to confidentiality, but the boss is in the picture in her office. She was having a bad time in general because of COVID. During COVID, she was dating one of the deputies, but keeping it quiet. The deputy got COVID. So, she called in since she had to isolate. She shared with Margaret that she was dating Van Pelt. Margaret subsequently shared with everyone that she was dating him and had COVID.

Margaret was her trainer. She was unprofessional, smoking frequently, and gossiping about everyone. There was no feedback or coaching. It was a toxic work environment. When McPeak was there it was a lot better. Night and day difference atmosphere-wise.

For lunches and breaks, people used to come in to cover breaks that may not have been paid – Sean and Shanlya. When two people were on shift that was how they used to get a break. You make more mistakes when you are exhausted and stressed. Amanda did not work too much OT because she was tired.

They did not foster an environment of mental health when the Chief's wife was a mental health professional. She loved working there until the last 8-9 months. Two dispatchers – Lacie and Christian (no longer with the department) – received DUIs. She wonders what the Chief's liability would be if he knew that Pat Blanchard had a DUI.

Jackie Lausch

Koelbel interviewed Jackie Lausch on October 11, 2024, at 12:00 p.m. CT. She is a Senior Dispatcher of two-three years and a total of nine years. There are two seniors. During the process of becoming a Senior dispatcher, she withdrew but began receiving higher pay for six months, and that information was shared which caused strife. There are five dispatchers in training and 11 that can work a two-person shift, the 7:00 a.m. to 7:00 p.m.

Three years prior dispatchers spoke to Captain Sundheim and Chief Klug. They took a survey that was supposed to be confidential. Margaret was able to read all the comments. The outcome of the survey was that Margaret went to a leadership course for a week and was not allowed to make the schedule. Chief Klug had since said he messed up for not putting Margaret on a PIP. Chief Klug would come into the room, stare and leave. Interim Chief Plessas, at least, says hello, etc. Chief Klug and Captain Sundheim never hold Margaret accountable.

Margaret creates a hostile work environment. She pits employees one against the other. She has revealed private information about folks. Jackie's father was dying and in end-of-life care. Jackie was very distraught. When he passed away, Margaret told everyone to not message Jackie, and consequently, Jackie received no support from her co-workers. Jackie does not believe it was to benefit her by allowing her time to grieve but instead to isolate her. On Jackie's birthday, she was not celebrated when Margaret promised to celebrate all the birthdays. Margaret is proud of creating a toxic work environment. She is largely unqualified. Policies are drafted in ways that Margaret can bend the rules. There are no standards. No one is held accountable. There are no policies and procedures in a job that can directly affect someone's life. Margaret says you're doing a good job and then throws them under the bus. Margaret wants to be everyone's friend. She feeds everyone stuff about everyone. It could be five years before airing out grievances created by Margaret with certain folks, because they do not always work together. If you brought up stuff, then there is retaliation either on the evaluation or scheduling, etc. Her husband is in emergency management and sent out emails telling dispatchers that they have to report things like the train derailment and big grass fires to them.

Jackie stepped out of training. Her evaluations were catty and did not reflect the type of employee she is. Chief met with Jackie to find out why she resigned from training. He brought her in to ask why she applied to a records position. Sergeants told her that if Jenna and Molly left morale will improve.

Years back City Hall put in a grant and City Hall and Dispatch were to be moved to the new location. Dispatch is now accessible from the alley. They do not even see people from City Hall. Captain Justin Sundheim and Margaret designed the new dispatch center. The location is dangerous if anyone were to go in there. There is no ventilation. Water was turned off at one point and they had to use porta-potties placed in the alley where drug deals occur. They bombed the building with disinfectant for COVID. The door hinges are on the outside. There are no windows. If someone breaks in or if there is a fire, there is no escape. There is no gym. They were promised a treadmill. There was a gym at the other place. They were told there would be a little place for them. Officers used to bring them stuff. No one comes over

anymore. She believes they do not want to come in because of Margaret. They have been in the new center for one year and Margaret for 1.3 years. When Margaret was separated things had improved.

Captain Sundheim told them they would never have a window, because it was not safe. He is horrible to talk to. He puts it back on you – boomerang. He is condescending. He provides no support. Statistically, he ran the numbers and relied on them. However, dispatchers are dealing with people at their worst. The backup center is not set up. There are only one or two screens. The Chief said he was following up.

Margaret changed the radio system, but provided no training or support. It has a nice recorder rated top three or five for dispatchers. When asked for training Margaret would send out training group meetings when Jackie was off so she was never able to participate. The new system is only good for the leads and Margaret because they have a different interface. The reason for the change is that someone Margaret knew left the company of the old system and went to the new system company. So, she went to Captain Sundheim and he approved it. She has recently asked Wayne if everyone could have the same interface.

You have to use comp time for training. Jackie in one instance had 90 hours of accrued comp time working the fair which was paid by the sheriff's office. Jackie was paid out 10 hours, because they maxed at 80 hours of comp time. She was not aware that would happen. There are no lunch breaks and no 15-minute breaks. They have to punch out and be paid PTO. HR said it was the Chief's policy. They work 12-hour shifts. Margaret blames them for not coming in on their days off.

The first Assistant PSAP died in a motorcycle accident. Second Assistant PSAP, Juana Perez, and Margaret fought all the time. Wayne is the new current assistant PSAP. He is working on a schedule that is fair and it works. He has been three months in the position. Margaret wanted an Assistant PSAP, but not Wayne.

There are three leads – Lacie (see below), Beth (who does not possess great leadership skills), and Sean (who enjoys gossip). Shanlya became lead because the Chief asked her (Shanlya unprofessionally tells people she loves them over the radio where everyone can hear it). One of the Leads is a lesbian and she grabbed Jackie's breast about eight years prior while she was on a call. Jackie went to HR. The same individual was gambling on the phone on the floor, making lewd remarks, sleeping on the floor, grabbing people's butts, and was promoted to Lead. Margaret loves her so nothing happened to her. People joke about it. This Lead asks for nude pictures. Jackie spoke to Wayne on Tuesday and requested to not be scheduled with her.

With Officer Pat's suicide, other agencies were debriefed before dispatchers. The janitor passed away on PD. One debrief was at the time her dad was dying so she could not attend. A Sergeant asked them if they were okay. Sgt. Ruelle told her about the wellness program and brought flyers. But the program was in place six months to a year before dispatchers were aware of it.

People are leaving and quitting, and the administration has no idea why. The administration stated they are surprised half of the dispatchers are still even there. New rules are getting applied but no policy behind them. They bought walkie-talkies and rolled them out. Margaret asked her to walk as far as she could in 15 minutes to see if the walkie-talkies would still be within range.

Shanlya Van Hill

Koelbel interviewed Shanlya Van Hill on October 11, 2024, at 2:00 p.m. CT. She has been a Dispatcher since January 2017. There are 11 fully trained dispatchers, two training on the floor and three in classroom training. The evening shifts are 7:00 p.m. to 7:00 a.m.

In January 2020 Chief Klug became Chief and Margaret became PSAP Manager. Shanlya became the Lead Dispatcher in December 2023.

A lot of issues present in dispatch were communicated to Chief Klug and Captain Sundheim – issues with Margaret. When she reported issues to Chief Klug, he said to hang in there. Captain Sundheim, HR, and Chief Klug had no follow-through. Chief said he would have one one-on-one, but there was no actual scheduling of any meeting. So, she decided to have one one-on-one herself. He told her to give him a list of who she wanted to talk to, but there was no follow through. Chief Klug then had group meetings with the leads, Margaret, and Captain Sundheim. They would get to the first stage and maybe the second and then never follow through. He is not a leader. He just holds the title. He began saying that if he has to fire all of the dispatchers, he will. In the last 10 months, there was one meeting.

Chief said Shanlya could meet with him. The majority of dispatchers went to him complaining they were at 60% staffing which is not sustainable. There was a 360 evaluation. The results were not released so there was no way to know if her perspective and experience were different from anyone else's based on the responses. Still does not know what happened with the results. Sean, as a Lead, can click on disciplinary files and there was nothing on Margaret's. Margaret used the schedule as a means of power. So, after the survey, she was not able to make the schedule any longer. The job was a lot for her, and she liked to delegate. Jenna Hurt started making the schedules. Within the last month, Shanlya just learned that Margaret received some training. Captain Sundheim said, "we heard you and there will be lots of changes based on your feedback."

One instance in which Shanlya felt targeted was a Letter of suspension she received from Chief Klug. He said, "I know you feel like it is just the two of you (her and Molly) are the ones who are being disciplined." Molly quit in January 2024. She was hired in October 2017. The suspension was for taking long breaks or stealing time. Minimum shift of about five years. They have 12-16 hours with no lunches or 15-minute breaks. As a courtesy, her former supervisor, Lacie, would allow her to take a long lunch break when she could take a lunch break. The practice trickled over under the current supervisor. Then she got in trouble. During the time of the fair, they are expected to work hundreds of hours. She was told that taking four hours of flex time shows that she has no sympathy for her job. It was such a humiliating process. During the investigation, she was so fearful. Chief also said that was the first time she was taking ownership of it.

Shanlya went to a conference called NINA. A dispatcher from Colorado told her the state had to backpay all their employees because they were not being paid properly. Shanlya sent an email involving the HR department regarding the new pay system not paying by the law of North Dakota. They were not getting compensated properly for the four hours over 40. HR said that employees might end up having to pay back the City. She said she did not know how that works. The law dictates the minimum and the policy depends on that. Chief Klug sent a message directly to Shanlya to be careful if she keeps pushing the envelope. Shanlya felt very threatened by the Chief and HR. She emailed back saying that she felt threatened. HR kept asking if she wanted to have the matter looked into. They changed her mind. They did not point to specific policies.

Margaret was a poor leader even as a floor supervisor. There were not as many issues such as poor personality, not being kind, making little comments, but her work performance was not great. She did not possess very good people skills. Margaret was answering the same number of calls as everyone. Margaret greatly mishandles information.

In 2021, Shanlya broke up with long-time fiancée, Josh after eight years. He was a volunteer Firefighter with Minot. Margaret and her husband volunteer there as well. Margaret liked her fiancée more than she liked Shanlya. Margaret made comments like: "When am I losing you?" "Was cheating a factor in break-up" "I heard you slept with a Sergeant in the department." She tried to spread rumors to Sean. Dispatch was female-dominated. Police were male-dominated. She also commented on the women her ex-fiancée was involved with. Margaret emailed an evaluation commenting about how she will be affected by the breakup. By comparison, another co-worker broke up with a girlfriend and Margaret would drive the former girlfriend to places to get stuff. At the same time, Margaret would cry to Shanlya about her relationship issues. Shanlya's ex-fiancée called in as a possible suicide. Margaret, in her superhero complex with firefighting, authorized a phone ping without a warrant for Josh. Shanlya brought this up to Captain Sundheim, but nothing happened.

Molly was Shanlya's best friend. They worked well together. That upset Margaret, so she targeted them. One instance was a trainee who left for various reasons and sent a letter disparaging Molly, Shanlya, and Lacie. Margaret sat Shanlya down, slid the letter across the table and threatened to write her up for a hostile work environment. She wrote, "This will not get you fired." Shanlya gave Lacie a heads-up after that meeting. Lacie was asked and said that the things in the letter were true.

One time Beth did not make it to a meeting, so Margaret read Beth's letter calling in out loud. At the meeting, Margaret said, "Raise your hand if you think I play favorites." Beth wanted a break from the 12-hour shifts. For the upcoming schedule changes and bidding process, Margaret asked for suggestions for a shift for Beth. Shanlya brought up suggestions to Margaret. Margaret responded that she did not want to offer Beth the schedule she wanted. Instead, she wants to offer a very bad schedule to cause Beth to quit.

When Shanlya was interviewed for Lead in July 2023 there were two rounds of interviews. Margaret asked her during the panel: "Do you need a minute? I know you have anxiety."

A co-worker was struggling with 12-hour shifts and mental health issues, Margaret said it was Amanda Wright. Margaret approved of a meeting in which Juana was allowed to bad mouth a new hire the entire meeting. Margaret said that a dispatcher complained that she does not like to be talked down to by Lacie.

Lacie was on an extended leave for a suicide attempt. No one was allowed to talk about it, but then Margaret was upset that someone did not know what Lacie was going through. Margaret asked for on-call schedules. She spent up to three months on FMLA. There was a few days of notice and it resulted in 13 days in a row for Shanlya. On a different occasion, Lacie was arrested at work. Margaret told them not to punch a card. The arresting officer asked for the incident number. Margaret said that Jackie told her not to punch a card.

Lt. Lackey recently moved and threatened to have Shanlya killed because she was friends with the officer she liked. Margaret said, was she drunk?

The shift she wanted she did not get. She wanted to switch shifts. Margaret wanted to make Shanlya work a shift where she would never see her fiancée. Jenna said the same thing on another occasion of schedule change.

Shanlya's boyfriend was told to be watched. Officers take longer lunches. Lieutenants told sergeants to watch their lunches. He was told, "you know what it looks like when your car has not moved for 35 minutes." Alluding to him having sexual relations during lunch. Other interdepartmental relationships are not as closely monitored. If you are good at your job, Margaret will target you. Other dispatchers have issues with dating an officer mindset. People deem workplace relationships as unprofessional. She was pulled for random drug tests frequently (see below) and now her boyfriend too.

Margaret did not hire a trainee because the trainee was in therapy. Margaret has said publicly that she has to speak to Shanlya in a special way. Margaret claims untruthfully that she has special meetings to communicate with Shanlya to appear to provide an ADA accommodation.

Shanlya always passes drug tests. However, the way she is pulled is inconsistent with others. She is notified a week ahead, via text, email, etc. which she does not believe she should receive. Once she asked Margaret if she should take a painkiller. Margaret said yes, and then Shanlya was hit with a drug test. Shanlya was drug tested in five out of six quarters. So, she asked for the policy and suddenly she stopped being pulled for drug tests.

When she got employee of the year, a lieutenant asked her how she was doing because she had high blood pressure. She has no idea how he could know that except from Margaret.

To illustrate Margaret's inability to lead, when the officer committed suicide Margaret did not think she had to come in. She asked Sean if he thinks she should come in. Also, Margaret did not allow dispatchers to participate in the debrief. They received no information, and it was just assumed that Shanlya knew about it.

During the fair, a shift was having difficulty scheduling. She was asked if she was willing to take vacation time and work the fair and then come back to work the rest of the shift. At the time Shanlya asked if Margaret could authorize OT for coverage of dispatch while the fair was going on. The answer was that then people would use it as an excuse for not working the fair. So, only two dispatchers working dispatch were allowed.

Additionally, Margaret quoted pay for working the fair at $50/hour. They were paid the lower amount of $46/hour because the City had to pay taxes. Margaret never answers the phone when you need her. Once an entire shift called out and she could not be reached. Shanlya was dealing with having to find one of two people. But when Margaret came in, she was upset about a broken cabinet door. Instead of thanking her for finding coverage, she said "the door." Shanlya was authorized by Margaret to violate City policy – she worked a 17-hour shift which was needed without a break and a seven-hour break between that shift and Shanlya's next shift. Being reliable and dependable was turned into a punishment.

A dispatcher on the day shift said would be in late. Beth did nothing with the information and was passed into Shanlya's shift, so she worked a 16-hour shift in a 13 stretch. Jeanne was on her way so Shanlya asked Margaret if she wanted her to stay. And Margaret kept saying it's up to you, it's up to you. Shanlya was a person who came in to cover a shift and Margaret gave her attitude.

When Shanlya was promoted, her seniority zeroed out. So, when shift bids for 10-hour shifts came up they did how seniority was selected. Then it was by hire date. She found out this about a meeting with Captain Sundheim regarding seniority. Jeanne attacked Shanlya on the floor. Jackie did not speak to Shanlya for three years because Jeanne made up a story about Shanlya saying Jackie was incompetent. Margaret knows of Jeanne's bad attitude.

Margaret has told others that Shanlya neglected her dog to go out and party. She accused Shanlya of causing one of the K-9s to have to go to the veterinarian because it took a bone out of the garbage. She said Shanlya's fiancée kept adding majors in college because he did not love Shanlya anymore. Margaret is wishy-washy and has no structure at all. Even When McPeak was manager, there was a level of frustration and she could be catty, but at least McPeak could do the job.

A meeting was called with HR about the lunches. It used to be that as long as there was coverage, they could take a lunch. Dispatchers were asked if going to unpaid lunches is preferable. The one-hour meeting turned into a three-hour meeting. They tried to convince them to go to unpaid lunches. If they were picking up lunch for someone then they would be able to stay clocked in.

There was no policy against letting officers come into dispatch. Margaret confronted an officer about how he was getting into dispatch. Molly and Shanlya are cold in dispatch and lock boxes are put in the thermostats. A key was available to change it. Margaret hid the key when it was just the two of them working. There is a camera, but she suspects there is not supposed to be anything on screens. She suspects it is an issue for the FBI and NCIC.

If Margaret were removed from her position, the department would still run the same. She adds nothing. She tried to move the schedule for Christmas and tried to delay the schedule change. Margaret stated that they are expected to make sacrifices for the department. Juana sent this copying Margaret. Margaret allowed mistreatment by Juana. She either allowed it or participated in it. No one checks on Margaret. Shanlya is bringing this forward because she would feel terrible if she did not say anything. Margaret broke the trust they used to have in each other. Twenty-eight dispatchers were lost under Margaret. 50-70 percent of the staff.

She has received notices of the Minot Police Department Policy Manual yearly. The employee handbook is a work in progress. A policy manual has been in the works for dispatch. The grievance procedure was never formally explained. She followed the chain of command. She dislikes reaching out to HR because they will copy the boss. No one in the Center will advocate for her.

Beth Sorenson

Koelbel interviewed Beth Sorenson on October 11, 2024, at 6:00 p.m. CT. She has been a dispatcher for 14.5 years. She is now a Lead. Before Chief Klug, there was Chief Olson. Before Chief Olsen, it was Chief Balentine.

The PSAP Managers were DeVawn Beckman, McPeak, and Margaret Haugen. Last year, Chief Klug started to meet with the dispatchers to try to fix dispatch. Beth thought it was going to happen sooner. Otherwise, the interactions were minimal. The meetings are almost awkward. One year in the new center, she saw him a handful of times. During the time the meetings were going on last year, one day it was so busy that when he popped in no one was in the mood to talk.

Captain Sundheim, Margaret, Chief Klug, and Monica participated. In one of the first meetings, they said "if you are holding any grudges" let it go. She agrees. Before Lacie was a lead, there were three leads at the time. She was looking around the room thinking that she did not hold grudges against anyone. Beth made a special effort to let Jenna know that she was not holding any grudges against her. Jenna was burned out. She quit before Christmas last year.

They tried to do the meetings every month. They would say things like you are not guaranteed your schedule. There is no consideration of seniority. In middle meetings when Chief Klug would have interactions with the attendees, Chief Klug would say that he, as a manager, has the ability to replace his staff when he wants to. That was his philosophy. Chief was having some issues with his health or his wife's health. In later meetings, it became: if anyone had any problems with anyone in particular then let's set up a meeting. Communications have not been the greatest. Beth told him that she did not agree with his philosophy. That did not change his mind. She did not get the feeling that he had any intention to change. Sean Christy expressed frustration with him. It was Sean and Jenna on one side and Beth felt bad for Margaret.

Beth has an interesting relationship with Captain Sundheim. A good working relationship now. In 2021, she was writing evaluations for dispatchers. She went a year without any meaningful communication with Margaret. In November 2022, she wrote evaluations for Jackie and Jeanne and showed them to them to see how they would react. She was getting information about what they thought they could improve. She was accused of presenting evaluations before they were supposed to be presented. No one talked to her before she was pulled into the hot seat. She thought she was getting fired. He did not get her side of the story. She wonders if the people she was trying to support have anything to do with it. They knew those were not the final evaluations. Was Jeanne stirring the pot? Margaret said, "you are not giving them the evaluations, are you?" He did say to get feedback from your people. Any snarky comments were not hers. She was asked whether there was any constructive feedback for any of your people. Jackie provided some things she wanted to improve on. Do you or don't you understand this? He asked if she thought she should be a supervisor still. She was okay with being demoted.

Beth worked primarily on the day shift. For months no one was talking to her. With McPeak, at least she got some feedback as to what was wrong. Margaret's attitude is if you don't like it then oh well. Maybe some did not have enough training. But really, they did not receive great support from Margaret.

This past year has been okay. There is a lot of drama as dispatchers, because of the nature of the job and being confined in the space. As a way to stand up for herself, Beth built a wall of Clorox containers akin to a wall of cereal boxes from childhood.

When the City Manager reached out for a meeting, she was off. The City Manager had a meeting with a small group of dispatchers who could not make it to the main meeting. She was tired of having her days off interrupted. They do not care about their off time.

She does not agree with the break policy. Dispatch is considered non-essential. Shifts started with eight hours. Always tried to get a break when there were enough people. During COVID it became 12-hour shifts and two-person shifts minimum. Stress is high. They can at least go to the bathroom. When McPeak was PSAP, there were discussions about switching to ten hours. At the most recent meeting, Margaret brings up the portable radio again, which means that essentially there would be no breaks ever.

Night shift is three days on four days off. She advocated for days off together. Changes are made with little to no discussion. Two-person shifts are much more commonplace. If people wanted OT they would come in and cover lunches. There was favoritism in that as well. There is no actual discussion. Juana nipped in the bud. If you want guaranteed lunch, you have to work 12.5 hours. More people would have been more stressed and burnt out. They are not robots. They are humans.

There needs to be ways to mitigate the burnout. She used to get migraines. At the last meeting, they brought in walkie-talkie radios. Two people have to be in the Dispatch Center. They do not leave City Hall. They have phones, so they did not need the walkie-talkies.

With regards to attendance, Monica was there, but the decision was already made with Margaret and Captain Sundheim. She does not think about going to Human Resources. But often she feels they already made the decisions. She is waiting for Margaret to get back to her about the walkie-talkies. She has plenty of PTO to not have to carry around walkie-talkies.

On two-person days she does not leave the center. Dispatchers are different than police officers. Dispatchers need a mental break. They don't really use them. It is better to have a break and come back refreshed. Officers are not listening to all the channels that dispatchers are watching.

Jeanne, being closer to Margaret, directs the flow with dispatch. This may have caused more conflict between Margaret and Juana. Beth tried several times to do the scheduling, but it was never accepted because of Jeanne and conflict with Juana. Gossip about Juana and told Juana. The undercurrent of undermining people. Even though she was not the greatest Assistant PSAP. Juana bridged some of the communication. Even with Juana, they were moving in a more positive direction. She had more hope. Discipline was mob rule.

The new Assistant PSAP manager is on their side as far as really understanding what they need. Communication has increased. He is new as of July 2024. Wayne is receiving more respect from other dispatchers. He wrote the book. Dispatch is not for everyone. Have to be okay with chaotic environments. Training-wise, a little lacking. She was trying to keep Wayne out of the drama. His impression of the dispatchers was that they were tired. The Chief even with the meetings did not get that. He was okay with replacing people.

She is still friends with the first PSAP manager. The former manager did not know what was going on. They went to lunch, but did not talk about dispatch that much. Towards the end of the lunch, she could tell Beth was upset. She listened, because she cared about their employees.

It is hard for her to believe that Margaret is sincere. She should have communicated with her the Leads and not through people below her. The 360 survey felt like it went mob rule. She did not like seeing that happen to Margaret, but it is like she created the situation herself. Beth told someone that she feels Margaret does not talk to her and the response was "Consider yourself lucky."

Dispatchers do not have time to look at the policies, because they are so busy. When Juana was around, she had to do a discipline on Jeanne. Not a lot of time to look up the policy to do that. She knows there is an employee handbook online. She received a paper copy years ago. Thinks there was an email letting them know it is available electronically.

For complaints, she follows the chain of command. Some information circulating on the floor. She tried to nip the gossiping in the bud to avoid negativity.

Jeanne Alves

Koelbel interviewed Jeanne Alves on October 15, 2024, at 11:00 a.m. CT. She has been at the department for 15 years, two years part-time, nine years then part-time time then back to full-time. She is a Senior Dispatcher.

Jeanne does not see Chief Klug at Dispatch. On occasion, he will come in and stare. No meetings except for one time when the whole police department met in 2022. He was being accused of some sort of allegations and he was open to comments or questions.

There were a lot of issues with comp time and they went to management for answers from the Chief. He said to follow the chain of command. Reached out a couple of times about the change in the system. Dispatch works every day 24 hours a day. They are paid extra on holidays, but only on recognized days. She never got a response. It was finally fixed on a new pay system – ADP. Dispatchers had a lot of questions about pay etc. She gets emails communicating the changes. She did go to the manager before going to the Chief.

She felt Lacie was abusing COVID sick leave. Lacie is close with the Chief. He said he did not feel Lacie was abusing the policy. Lacie was allowed to do everything including take eight-hour lunches.

She interacts with Captain Sundheim about the same as the Chief. It is not useful as he says things like you are the problem, you need to work on yourself, you are the problem. Juana was using certain people, her favorites, to take time off and not have to put in for. She went to Margaret about it and talked to the Captain, but there is nothing they could or would do about it.

Jeanne went to Margaret to report so many issues. Margaret does nothing about them. She just sits there and nothing gets done. Morale is getting worse. She is a poor leader and plays favorites.

She asked Margaret for counseling services and it was ignored. Even with what they do daily, they need to talk about certain calls but they are just required to do the job and shut up. They do not care about their mental health. They are not being taken care of. She has been feeling this way for a very long time. It is frustrating. Dispatchers provide mental health services, and no one cares about them. Has been feeling this way for a long time. Recently, the Department started counseling sessions for the officers, but it is supposed to include the dispatchers. More officer-oriented and dispatch is left out. Margaret does not stand up for them.

Some people like 12-hour shifts. These shifts are not physically or mentally healthy. They get no breaks and no lunches. They cannot walk away, cannot catch a breath. She has gained 50 pounds. She eats nonstop, because there is no coping. They respond that it is what they are supposed to do.

On nights Jeanne was asked to switch to work with Beth, because Lacie needed a six-week break. Informed Margaret about Beth, who is a Lead. Beth is hostile, does not listen, thinks all is about her, and only wants to talk about her problems.

Talked to Margaret about harassment by Lacie. A few weeks ago, Lacie asked Jeanne if she wanted to make out. She used to walk behind you and grab your breast. This was about two years ago. Margaret is aware. Margaret's response is I will talk to her. She does not know if she talked to Lacie or not. Margaret says she will do something and never does.

One night she received a call from a girl with a head injury, and it turned out that it was Lacie who dropped her off at the hospital. She should have been charged with a DUI. She went to jail. Lacie received a write-up. The police served a warrant and she left. The girl at the emergency room told her that she was with Lacie driving the ATV. Nothing criminal ever happened with that.

Margaret kept sending out all of the changes she wanted. Margaret was the reason she quit. There were over 51 emails she wanted to change, but provided no way to implement. There was a reason they did it that way.

Certain fire departments were asking to be notified first, but there was no way to implement it. Jeanne understood that the order was to notify the Fire Department before providing CPR instructions or other emergency help. Margaret told them this is what the Fire Department wants and therefore this is what the dispatchers have to do. Margaret just forwarded the email from the Fire Department to the dispatchers and expected the dispatchers to just do whatever the Fire Department wanted. Just like this example, Margaret says yes to everything from external orders, but never asks the actual dispatchers how to implement or provide any guidance on how to do it. When questions are asked, she says she is going to look into it but never gets back to them. Jeanne does not see much leadership in dispatch because Margaret just tries to please all of the outside entities without coming up with a program and process. .

When Jeanne was working night shifts with Margaret right out of training, Margaret would be outside smoking. Margaret hardly ever took calls. Told PSAP at the time about Margaret not doing anything and asked to circulate how many calls everyone was taking. The report was sent out once and showed Margaret was not taking as many calls as everyone else. Margaret made it horrible and miserable. Margaret wrote Jeanne a nasty letter which she turned in and should be on her file.

Jeanne hoped there would not be any issues, but she knew she would be a bad PSAP. Jeanne thinks Margaret got it because she knew people. Jeanne also applied for the position once she heard Margaret applied. She has been there the longest other than Beth.

Jeanne was written up to death under Juana. Juana would be training right behind Jeanne and Jackie's area and would demand that they not talk while they train. Jeanne asked what they were doing for the day. Beth pulled her aside and was shaking and the next day she was written up by Beth and Juana and that is when Jeanne went to Captain Sundheim.

Everyone she works with is always complaining about the 12-hour shifts. They have no workout room. And do not have time to use the relaxation room. You don't want to relax in there you want to get away. One day the fire alarm went off and no one could shut it off they had to call the Fire Department, but they could not get in. It seems that no research was done on the dispatch location and the one request, the gym, was not provided. When she brought up the need to get away, they said that's why they got such a big center so they could live there. No one wants to live there. Margaret sent out an email asking for coverage and Jeanne suggested instead of burning people out, she should be able to jump in and cover. Another fire alarm went off. [redacted] had to go to the hospital because her blood pressure was so high.

Most recent example, this year at the fair, Jeanne was working doubles to cover the fair. Jeanne asked how much they would get paid, and Margaret said $50.00. When asked, why they were paid $46. Margaret did not know. She got a hold of payroll and they responded. The response was that they had to pay someone else and that is why the pay was lowered. Margaret tried to be sneaky about a shift that she

was told she had to work because no one volunteered for it. Margaret ended up working it when after offering "special pay" there were still no volunteers.

Wayne would like to implement and put in some changes. He is stuck and cannot do anything yet. He is very productive and asks for input. He has an open-door policy. And when you say something to him, he actually gives feedback. At first because of the conditioning from her experience in the past, whenever Wayne would approach her she would get a sinking feeling in the pit of her stomach, she was always afraid she was in trouble.

Favoritism and special treatment are allowed especially with the 12-hour shift. Twelve-hour shifts used to be an emergency shift when shifts were eight hours.

Sometimes she received an email from the Lexipol system that there had been updates to the Police Department policy book. When she was hired she was given an employee handbook in paper format. She does not believe there is a structured grievance policy. She has sent many emails to her supervisors and requested appointments with the Captain. They tell her "don't come to me without solutions" management's job is to look for smoke.

Jenna Hurt

Koelbel interviewed Jenna Hurt on October 15, 2024, at 6:00 p.m. CT. She started in dispatch in August 2012 and until December 2023. She was a Lead.

They had been working on policies for dispatch separate from the Police Department. Never got them officially established. She was injured in April of 2022. She broke her wrist in two places and went to work. She had surgery and after two weeks was back to work on light duty. She could not type fast to take calls. So, she spent two weeks working on the processes that the former PSAP started regarding the dress code. She submitted it to Margaret then it sat on Captain Sundheim's desk. There is no follow-up or follow-through. Kept following up with Captain Sundheim, who said he would check with Chief Klug.

People were late all the time. She followed up on employees stealing time. By the time they looked into it, it was recorded over.

Margaret should be right there being investigated with Chief Klug. She created such a hostile work environment. She would pit them against each other. Went to Captain Sundheim and the 360 eval happened, but then there was no follow-up. Margaret got better for a bit and then nothing changed. Scheduling was taken away from her, because her scheduling made people mad. Jenna started to make the schedule. Jenna was told to cut overtime. People complained to Margaret and would say bad things about Jenna. It appears that one can be arrested at work in dispatch and still have a job there.

Captain Sundheim was the Shift Commander and Jenna used to have amazing respect for him. FBI model dispatch was placed under Captain Sundheim, so he had dispatch and patrol.

There were meetings with the Lead team. Margaret on the floor bullied Juana, the second Assistant PSAP. They would openly argue with each other in front of everyone. Tami, the first Assistant PSAP passed away in a motorcycle accident.

Margaret made it impossible. Insane stuff trainees go through. Captain Sundheim and Chief Klug knew about it. They all went to McLeod during exit interviews. They tried for years to get the training program straight.

There are no standards. People on the night shift were ignoring calls and watching TV. Nothing ever happened to them. There was inconsistency in discipline.

They had weekly, then monthly meetings during which Chief Klug said: I don't even know why you are here if you are so miserable. Jenna knew then and there that nothing was going to change.

There was no sense in going to Margaret. Anything you went to her with, the entire department would know. They started fact-checking with each other based on the lies that Margaret spread.

The Center is terrible for mental health. They were promised treadmills and an exercise room. They made such a big deal about mental health after Pat's suicide. Everything went right back to how it was and no one cared. The solution they provided was three fancy TV screens that were supposed to be their windows. It was supposed to be this grand center. Safety in general was not looked at. They asked for five spots to be lit up in the parking lot. They said they would install lights and security cameras after the City Hall personnel moved in. An officer was beaten up by homeless people.

Margaret is a yes-woman. During the five or six years in which Margaret led the team it was a horrible situation. She is grossly underqualified. She had the most time of all of them. Carrie Steele applied for the position and some external applicants. There was inconsistency and a lack of leadership. It was already not an ideal situation but then with Margaret it went downhill. At the end of the day, McPeak at least had their backs.

Jenna left her pension and took a pay cut just to get out of there. She misses the officers, misses the job. She continued doing the community stuff but could not continue working for that leadership. Lack of communication. She is still close with some of them. Sgt. Foley looked so defeated during a community event. You try to do something to better the Department and you get shut down. One of the officers was talking to her. He mentioned the badge numbers were up to 462. When they do another number crunch, he will be 413 because so many officers left. He is an investigator.

Mental health was not a priority for the department even before Pat's suicide. Not one person came in to check on them. They worked on the same shift for eight years.

Jenna works at the advocacy center now. People ask if she would ever go back. At the end of the day, the damage is done. She is trying to make it better for the ones that remain.

They tried to figure out how to stop people from leaving. Margaret asked for scheduling ideas when she had no intention of implementing anything. Emails, stupid things like evaluations, she had them complete them themselves and would add a little word here and there. She never jumped on to assist, especially when they worked 12-hour shifts with no breaks. She and Jackie worked 12-hour shifts every day by themselves.

Before they would get weekends off every six months. At least with the 12 hours, they got every other weekend off. People at night worked a different rotation. It was always the same people helping with overtime. Some PTO rules may have been illegal. Shanlya figured out that they were not being properly paid, but the response was that they may end up owing the City money instead.

Retention speaks volumes. Chloe left two weeks before Jenna left. Molly Schoen left right after she did. Molly and her leaving would have improved morale she was told. They were very vocal about all the issues in dispatch. Chief did not take ownership of the things he kept allowing to happen.

Margaret said when Jenna was leaving that she was sorry she bullied Jenna. Out with the old and in with the new.

Kevin Cory

Koelbel interviewed Kevin Cory on October 17, 2024, at 11:30 p.m. CT. Kevin is a former police officer who left in June or July of 2020. Kevin was a Patrol Officer hired in 2015. In 2019, he was promoted to Senior Officer, and in February 2020 he was promoted to Master Officer.

Kevin spoke to Councilman Rob Fuller regarding the overall process of how his termination happened. Everything was going well during his employment and in 2019 started noticing everything going downhill. Kevin was involved in a traffic stop that resulted in a lawsuit. The lawsuit alleged excessive force on his part and of another officer. When the stop occurred, Chief Olson was Chief. Kevin was disciplined with three days of unpaid leave and a letter to file.

The lawsuit was in 2020 after Chief Klug became Chief. A settlement was reached. After that, when he was part of the crime scene team and training, Kevin was put on paid administrative leave and had to stay home while an internal investigation occurred. He was not told why except for the use of excessive force in the past. Kevin contacted FOP to obtain representation. In mid-June, he was contacted by McLeod to come in at the height of the COVID pandemic. Before any conversation began, Kevin requested that the attorney join. He was told that it was not possible to postpone when his attorney was not able to join. McLeod said he did not want the attorney on the phone. They were going to review the prior incidents. After scoffing McLeod allowed Kevin to call his attorney. He sat with Lieutenant McLeod with his attorney on the phone. They went over the calls for service including the one involved in the litigation again. This was the only instance in which he was reprimanded. They went through five or six instances in which there was use of force. McLeod's demeanor is very confrontational, or abrasive. McLeod was asking questions such as "Did you fear for your safety?"

In those five or six instances in which force was used, he created a report which was turned in to his Shift Lieutenant for review and then passed on to the Administrative Lieutenant, who would review and file. If something looks wrong, then it goes to the Patrol Captain. First, it was Captain White then in 2017 or 2018 Klug became Patrol Captain. Kevin would never see the report again unless something needed clarification. Kevin was trained in empty-hand controls up to lethal force. 2% required the use of force in all calls he had been involved in.

After the meeting, Kevin was told to go home and wait for further instructions. Kevin was contacted on July 15 via a call from Chief Klug. Kevin had 20 minutes to report to the Police Department and went into Chief Klug's office with Captain Sundheim present. At the table, there was a packet on where he was sitting. Chief Klug went over the packet, which was the findings of the internal investigation. They had found some violation in every call for service they went over in five years. Some violations were for the use of force and/or standard of conduct. Chief Klug stated: "I am not going to downplay it; the decision is that you have to be terminated or resign."

Kevin did not agree with the findings, they were not fair or accurate. He did not feel comfortable responding and needed to talk to his attorney, but could not get a hold of him. He asked if could try again and was told "No, you already had that chance." Kevin paused for a long time stunned thinking about what he could do. There was no opportunity to dispute the findings, no matter what he was told he would be terminated. They eventually said that Kevin could dispute it afterward. Chief Klug said "I don't think you should be a cop."

Kevin wanted to be a cop since he was a kid. He cried. He said he did not want to be fired. It would cause him to lose his peace officer (post) license. Then opted to resign. He was told to sign the paperwork. It stated that he agreed with every finding. He said he did not agree. They went back and forth. He again asked for his attorney. His stomach was still turning. He asked what will happen with a license if he resigns. Chief Klug said he would turn in the paperwork that said resignation. Kevin did not want to deal with it anymore. He signed, since it was the only way to resign from the Police Department. He asked for some time to re-compose himself. Then grabbed his belongings and turned in his gear.

The Union informed Kevin that the process for grievance would be to the City Manager to decide. At the time it was a temporary City Manager. There was a low chance of the City Manager disagreeing with the Chief. He was told to weigh his options. Found out four to five months later when applying to another police department, there was an issue with his peace officer license. Had to speak to the Post Board. Chief Klug submitted it as a termination. It was finally resolved, and he was able to renew.

Chief Klug is power hungry and abused power in Police Department and was a poor choice to hire him. It just seemed like he did not care for Kevin as an officer. He was also that way towards Jenna Bjork and Heather Summers, very standoffish. It felt like high school from day one. During the time he was to be disciplined with three days unpaid, Kevin asked Chief Olson to split the days up who agreed. When he went to Captain Klug to arrange the days as one a week he flat out said it was ridiculous. If it was up to him, Kevin would be fired. He split it up between two pay periods.

Kevin went to EAP after the incident. He found out that Chief Klug's wife was a counselor there. EAP is a program that provides access to counselors. Maggie Klug is a counselor accessible through the City's EAP program. Corey states that through EAP, Maggie Klug did not use the last name of "Tygart" or "Klug." He asked if it was that Maggie Klug because Kevin did not feel comfortable with her. He could not schedule with anyone else then when he said he would seek help elsewhere, the EAP provider was able to provide him another counselor.

Maggie was an evidence technician around 2016 and went by her maiden name Tygart. In 2017 she was very rude at the Police Department. Around 2018, in the spring or summer training, she was part of new officer training. When she came to do a training, she was walking with Captain Klug and said "you didn't want to see me? Are you afraid I am going to spill all your secrets?"

Kevin is thankful to Councilman Fuller and the investigation for finally allowing him to talk about this. It was a huge weight on his shoulders these past four years.

Kevin had access to the Police Department policies, via LERMS where all the electronic policies. He also had access to the HR handbook and policies. He wasn't too familiar with the grievance policy. He looked them up when going through an internal investigation in June 2020. He wanted to know what would happen if he did not agree with the findings of the investigation. Found the policy.

Jenna Bjork

Koelbel interviewed Jenna Bjork on October 17, 2024, at 1:00 p.m. CT. Jenna began in May or March of 2015 as a Dispatcher. She moved to patrol in December 2015. Police Department provided her with training. She was promoted to Senior Officer three years in and Master Officer in five years. In October 2022, she left the Department.

Before he was Chief, Chief Klug was Captain of Investigations in 2016 right after she started. She started dating another officer in the Department and tried to keep it quiet. After a breakup, he started breaking into her house at night. Filing fake cases to get footage of where she was and with whom. The ex-boyfriend was Matt Bunk and is no longer there. The ex-boyfriend told her a protection order would not help her. Once he started screaming at her in the parking lot. Jenna told Sergeant Sundheim who told her to talk to Captain Klug. She went to him and showed him her cell phone. Captain Klug responded that Officer Bunk told him that Jenna would say those things. She had to have her doors and windows repaired and received no support. If she conducted an investigation the way Captain Klug conducted his investigation, she would be disciplined. That officer was good friends with Captain Klug. She was a new officer, so when she reported she was told that it was nothing.

Chief Klug has a crappy personality. He is very reactive, volatile, and emotional. After he was selected as Chief in 2020, she was assigned to investigations. His leadership was to do as I say not as I do. He seems like the guy who was bullied in high school. He made them feel like they were replaceable. In news articles when he was interviewed he referred to new officers as puppy dogs who did not know any better. She did not provide the news article. This was soon after he became Chief which was awful timing to be saying those things about the police, right after George Floyd.

Pat Blanchard was her partner. She wondered if things would have turned out differently if issues were addressed. Pat had gone to a SWAT call drunk. He blew a .16 over the legal limit. Pat was not allowed to train with SWAT for months. He should have been arrested. The Chief put a target on Pat's back. Pat got to keep his job because everyone liked him. Once Pat responded to a call of a young woman in her early 20s with suicidal ideations. Then called off all backups. He left the scene, changed his clothes went back to the woman's house, and had sex with her. The woman came in the next day and tried to file a complaint. These occurred in early 2022, maybe in Fall/Winter 2021. She did not look into it. Pat died in December 2022.

Jenna is from San Diego. She worked hard to build a reputation and quit, because she saw that the department was spiraling. The Department was going down the drain. She did not want to be associated with Minot. They were very short-handed. No one was ever getting off on time. It was exhausting. Even with the heavy nature of the job, the hardest part of the job was the staff and leadership.

Chief Klug never spoke a word to Jenna after Pat's incident. She only heard from the current interim Chief.

She filed a grievance once against a woman in HR around February/March 2022. Brittany Thurston (her last name was Rust) was sleeping with Jenna's boyfriend who had been a firefighter for three years. She told Sergeant Joshua Noyes and asked what to do and he said there was nothing to do. Brittany was dating a cokehead. Once when they were pulled over, she switched seats with him and was arrested for DUI. She came into the department and said what she did. Brittany used to score the test one takes to promote, which was a huge conflict of interest, since they were at odds.

Jenna never got a raise in January one year. In December, she noticed it and went to Cheryl in the administration for the Police Department. She kept arguing with Jenna. She then emailed HR and received $4,000 in back pay.

Sergeant Lackey was promoted over others to Lieutenant. She was known for always getting into bar fights.

Sergeant Noyes approved a surgery she was going to undergo. The surgery was on February 14, 2022. She had the surgery. When she handed in sick leave, Lisa Jundt emailed saying she needed to talk to her because Jenna's lieutenant told Lisa that Jenna was having elective surgery and she would have to use vacation time instead of sick time. Someone else was able to use sick time, a pill popper, and Jenna herself had been approved for other surgeries, such as her ACL surgery, which was operated on three times. When asked if she was going to hold everyone accountable to the same standard, she said no. HR pulled 180 hours of her vacation time. Lisa is good friends with Brittany. Four weeks after the surgery when she came back from leave, asking what was going on, Jenna went to Harold and Harold reversed the decision.

They tried firing her in between her previous surgeries. Chief Olson had approved it. While healing, they brought her in and tried to fire her. They told her she would have to reapply when she returned.

Jenna filed a formal grievance on that and sent it to Chief Klug, Lisa, and Captain Sundheim. Sundheim had been good to her.

Jenna had access electronically to the Police Department Policy Manual and the Employee Handbook. She was aware that the grievance procedure was in the Police Department Handbook.

Matt Pappenfus

Koelbel interviewed Matt Pappenfus on October 17, 2024, at 3:00 p.m. CT. Matt worked for the Police Department from May 2013 until April 2023. Matt was on patrol for the majority of the time and then in investigations, because of light duty. In 2021 he was promoted to Patrol Sergeant. Other specialties are FTO negotiations, SWAT, and K-9.

Matt received a paper copy of the Police Department Policies and it was switched to electronic in 2015 for policy updates. The Employee Handbook is available electronically. Regarding a grievance procedure, everyone knows that it is there. He cannot tell what it is even in his current employment in a union state. And HR was in the same building.

The bad incident he had with Chief Klug was when he left. Chief Klug changed his letter of resignation without letting him know.

Five or six months before, Matt informed Captain Sundheim and Chief Klug that he was leaving to prepare them. He notified them that they would be contacted. Matt had a baby. He tried to use some benefits. When Matt asked HR, they said he did not have benefits based on the day of the resignation letter. Matt reached out to Chief Klug, who said he was doing a tour and agreed to meet Matt later. Matt sat around for a few hours. Captain Sundheim spoke to him then Chief Klug. Matt explained the situation. Matt was on sick time for the newborn and doctor's visits for his knee. The Chief can approve or deny sick time. He denied it and changed his resignation. Matt agreed to come back to work for two weeks. More discussions were had that night. The date was changed to two weeks sooner and then changed to two days sooner. Matt wanted to discuss it, but was told that Chief was too busy and did not have time. Matt contacted

FOP to talk about the options. Then made an appointment to meet with Harold. Harold agreed to pay out the vacation time and was able to use the insurance. He was just going to approve his sick time, but received the vacation payout. Matt would have gone back and worked if necessary.

When Chief Klug was a Captain, he heard rumors, but his observations were that Chief Klug is very type A and wanted to control everything. Matt learned how he worked. The Chief was a boss. Matt thinks they should have gone outside of the department, but a lieutenant or captain told him that the evil you know is better than the evil you don't know referring to knowing what the Chief is like.

As for others, Captain Sundbakken who was in charge of training was terrible with the process. Officers would submit for things and Captain Sundbakken would pass it on and no one would ever hear back from him. Lieutenant Wegner had an issue with what he was saying or his leadership, but nothing came of it. The ineffective process could have always been that way, but when Matt became a supervisor, he came to notice it.

Matt left because he moved to Minnesota to a job with better benefits. He did not leave, because there was lots of drama at the Minot Police Department.

Erik Laudenschlager

Koelbel interviewed Erik Laudenschlager on October 23, 2024, at 11:00 a.m. CT. Erik was with the Police Department since November 2009. He was in Parking Control for about one year and then became a Patrol Officer, Senior Patrol, and Master Patrol. In June 2022, he left the department. He was also a K-9 handler and commander of the bomb squad when he resigned.

Erik does not recall ever looking at the Police Department Policies. They were not readily accessible. Erik was aware of the employee handbook. He was not aware of a grievance procedure, not at all. Erik grew up in the Minot Police Department. Erik's dad started at the same time as Chief Klug. He was a Sergeant. Erik knew Chief Klug for an extended period.

Progressing through his career Erik worked with him. Erik had a decent perception until around 2021-2022. There were no issues until he became the Chief. Some things were swept under the rug. A few incidents in which at the time he received little to no reprimand. Issues were documented as many people were aware of them.

Towards the end of his dad's career, his dad retired, and Klug became Chief, Erik was going through the process to make sergeant. The process is one takes a test and interview aggregated with years of service, training hours, and education. Then there is a second interview with the Chief and Command Staff. The process is to pick someone out of the top 3. Eric was on his third of fourth rotation of making the final three. Erik was told by other supervisors "You have K-9." There is an unwritten rule. Captain Steve Whitesell, retired, Captain and Acting Chief Dale Plessas, Lieutenant Scott Redding have told him that as a K-9 handler, you will not be promoted until your dog is ready to retire. He understood it. His dog had six years until it retired. He was told that he was good at your job and to keep doing what he was doing. Erik never had any citizen complaints and was not a problem employee.

Erik participated in three promotional processes. The last go around, one of the K-9 officers, a fresh K-9 handler, was selected for promotion when Erik's dog was set to retire at the end of the year. The new K-9 handler had less than six years, he had just gotten dog certified and had some issues with the use of

force. It was Matt Pappenfus. Then shortly after being promoted, Matt moved away. He did not stay longer than a year.

Erik requested a meeting with Chief Klug. Erik told Chief Klug, that through all the processes, he specifically asked what he could do to improve, and he was told to "keep doing what you're doing." Chief Klug looked at him, smiled, and said "What are you going to do? Where are you going to go?" Erik resigned after he gave the occurrence some thought during his set of days off. If that is how the leadership treats you, he did not want to continue working there.

Chief Klug and Erik's dad did not get along at the end of dad's career. Erik spoke with Chief Olson at the time to let him know that he was not his dad. Erik said it felt vengeful and that he was being punished for his dad.

Erik did that math and with the 12 weeks of K-9 training and an additional three weeks, it was $280,000.00 in training walking out the door. There was no animosity until this last meeting. A total of 235 years of law enforcement experience were lost under Chief Klug. He single-handedly destroyed the Minot Police Department. It will take 10 years until they recover.

Some of the good people remaining are afraid that he will just return as the Chief and they will be persecuted, because of what Klug will assume they will have said.

Stephen Kenny

Koelbel interviewed Stephen Kenny on October 23, 2024, at 1:00 p.m. CT. He worked at the Police Department from July 12, 2004, until April 29, 2023. He was told he had to leave.

He is sure that he has access to the Police Department Policy Manual and the Employee Handbook. The one time he had a grievance, Chief Klug and the three captains never talked to him. He spoke to HR.

On November 17, 2022, Stephen left work at 2 a.m. and 9 a.m. had a bad case of vertigo, and had to go to ER. It was his second episode. His daughter took him to the hospital. He was there for six hours. He let the command staff know what happened and provided doctor's notes, pictures, etc. The doctors at first thought it was the crystals in his ears. He went back and was diagnosed that it was his compressed spine caused by his 20 years in the military. They suggested physical therapy. He informed Lieutenant Haug and Lieutenant Wegner. Stephen continued having episodes and in the beginning of April, they found a tumor in his ear. Sitting in the doctor's office Stephen received a text from HR that his employment would be terminated on April 29.

They had put him on FMLA leave – 12 weeks and extended seven weeks. In 19 years, he accumulated almost 1400 hours of sick leave and 300-something hours of vacation. He kept everyone aware of what he was going through. In the past, he had messed up his shoulder and was allowed to work. When he had a broken nose, he was forced to take five days off. He had a very good work ethic. He never wanted to be off work. This is due to his military training.

They forced him to retire. HR said that the Chief should have talked to him. When he went to talk to him, everyone was gone in the PD. He could never reach anyone. He told HR that no one was talking to him. He had a scheduled operation in May, and he asked Captain Dale Plessas for some light duty until the operation. Captain Plessas told him that he would have to put a letter to the Chief and ask for permission. Stephen has seen people get all kinds of light duty and no letter was needed. Four days later when he was

setting up his tumor removal operation, he received a letter from HR saying that he was terminated. In June, he anticipated that he was going to be able to go back to work.

He had been a good employee for all these years. He had to fill out all the termination paperwork and it didn't matter if he wanted to or not. Later, he could only get a hold of Captain Sundbakken who kept saying he was all good, all good. Sundbakken said he accidentally deactivated his code to get into the building.

Another employee, Aaron Moss, who retired because he did not want to go back on the road received a big send-off. Stephen had to clear out his locker. The cops who were there did not help him, because they thought he had done something wrong. He wanted to retire this year in April. He stood on the sidewalk outside the Police Department at a complete loss as to what had happened.

Other observations, if Klug was fighting with his wife, he did not hear from anybody. Otherwise, Stephen and Klug trusted each other. Stephen is 10 years older than the Chief. Chief Klug was on an apology tour for something that happened years ago under Chief Balentine when Klug was dating his current wife. During a briefing, he was apologizing for it, because someone posted it online. Stephen's grandson was hired the day Stephen was terminated. The Chief pulled his grandson aside and told him about the incident that happened during Chief Balentine's time.

Lieutenant Wegner messed up a crime scene. He did not get a search warrant and Shawnee Crawl was convicted, but all the evidence and the body in the car were not allowed in. He murdered his roommate. It is a "good o boys" club in the command hall.

Stephen went back in April to HR to talk about an issue with taxes and he had still not heard from anyone.

Stephanie Lentz

Koelbel interviewed Stephanie Lentz on October 23, 2024, at 5:00 p.m. CT. She started in November 2013. She was a patrol officer for two to three years and became an investigator. She left the department on August 23, 2024.

Stephanie had access to the printed and electronic versions of the Police Department Policies and the Employee Handbook. She was never trained on the arbitration policy. Her understanding was that she had to go up the chain of command.

Initially, she had a pretty decent relationship with Chief Klug when he was captain back when she started. He promoted her to investigations. Things were going well until there was a complaint against her. He told her everything she did wrong, but would not hear her reasons.

While Klug was still Captain, one time Stephanie was off and intoxicated and was called out to a murder scene. She could not come in. She communicated with Klug and asked him if he needed her to come in. Stephanie got in trouble for lying.

As Chief, he was going to change how long you can stay in investigations. Her husband is a first responder as well. When she was pregnant, they decided that going back to patrol would be detrimental to her baby. She was five years in the investigations position so understood that under the new policy, she would have to go back to patrol. The move would be seen as a demotion. It didn't matter what she thought or how she felt about it, he did not care about them. She was not super excited about him being promoted to

Chief. She was in patrol for three to four years and in a specialty role, investigation, and drone task force, for five years.

The promotion process changed from testing to basically you had to work through scenarios. She was doing well, schooling, and college were also taken into account. No one could explain the scoring. She went from number one with the scenarios to number 11 on the promotions list for the sergeant's position. She stopped even applying. She was more so upset about the way she was treated at that meeting.

As far as training, she was trained in crisis negotiation teams and domestic violence. But the majority of training was out of state. She was regularly denied because of budget issues.

No one knew that Lt. McLeod went on administrative leave which ended up being six months. So, it devolved into rumors. There are lots of different annual reviews done by a sergeant who did not even know how to do the job. Stephanie complained, but nothing ever happened. This applies to a lot of them. There is a lack of communication with everyone. There is no follow-through. No one has your back. They were doing murder investigations with just two of them. There was a lack of competence among the subordinates. Some are great leaders in the department. The ones who were as capable as her were suppressed a little bit.

Jesse Hartman

Koelbel interviewed Jesse Hartman on October 24, 2024, at 3:00 p.m. CT. He started at the Police Department when he was 36 from the Army. He was a patrol officer in 2019. He left in March of 2022, three years.

He received the Police Department Policy Manual at training you receive a thumb drive and a monthly policy review. There was not an official grievance procedure. He followed the chain of command – Sergeant to Lieutenant to Captain and the Chief.

He was hired under Chief Olson. Then two years under Chief Klug. Said hello in passing but never went directly to the Chief. He followed the chain of command.

There was no specific incident. He was in the army for 20 years, but outside experience was not acknowledged by the command. Frustrations did not lie specifically on Klug, but the whole command staff. People were leaving and no one had a reason why. He is currently a supervisor at a different police department one that had retention problems. When he left, he asked if anyone could give him a reason to stay, he would have stayed, but no one could.

When Jesse was leaving in 2022, he was given an award he received that he earned back in November of 2021 from the North Dakota Post Board. There is never any acknowledgment of the officer's good deeds. Because of COVID no one was allowed to congregate in the hallways, etc. Sergeants kind of gave up. If he brought up an issue, a dispute with a fellow police officer, he was asked how he would take care of it. He felt it was the leadership's job to figure it out. Leadership did not care about the police officers. Many seasoned officers were leaving. No one was held accountable.

The command staff was supposed to be supportive, accountable, and transparent. The command staff's job is to support their officers. He is thankful for his time at Minot Police Department. When he left there was no exit interview with HR. Nothing that Chief Klug could have said that would have changed his mind.

Inside the department, they did not know how to speak to their people. Just because someone passed a test and was promoted it did not mean they were a leader. One thing he repeatedly heard was that "that's the way we have always done...."

When all that is left are young officers without life experience it does not work. The department was short-staffed. People could not take vacations and were overworked. Working 120 hours plus no support from the Department was too much.

One Sergeant Burns was old school, but he was learning a lot of stuff all at once from him.

He sold cars for a while and has now been a Sgt for almost a year. The call volume is a lot different.

Heather Summers

Koelbel interviewed Heather Summers on October 24, 2024, at 4:30 p.m. CT. She started on August 3, 2015. She was in a patrol officer position. In January 2018, she moved to an investigation role. In Fall 2019, she was promoted to Senior Patrol Officer. She left in July 2020, just shy of the five-year mark.

She had access to the Minot Police Department Policy Manual and the Employee Handbook consistently. A grievance procedure was not communicated. It was something she had to discover on her own and did not discover until 2020 on her way out the door.

The command staff were Chief Olson, Captain Klug, Captain Sundheim, and Captain Whitesell.

Her direct supervisors were Sergeant Wilk (known for having favorites and expressed in actions – brought up to Sergeant Burns and it was brushed away) and Sergeant Lackey (terminated).

It was considered taboo to go the route of HR. In the last four years, she never heard of the grievance process.

Started having specific issues with Captain Klug. She requested light duty for being pregnant with her now six-year-old. She felt burnt out on patrol. 2018 started feeling burned out and investigations were a way to reignite her passion for her job. Now she has to go to counseling to deal with all of the issues.

Lieutenant Wegner and Captain Klug told her that she was bringing undue hardship to the department by becoming pregnant. She was put on light duty with doctor's notes specifically, unpredictable subjects, and firearms. She had asked her doctor to be very explicit, because she knew that the department would find a gray area. Going through light duty she felt like less of a person. She was not allowed to do anything and was just as much of a burden as she felt she was. She felt like a waste of space. She could not look at any case files, unless they were specifically assigned to her. Wegner made a huge deal one day when she had to get an ultrasound. When she went on maternity leave, Wegner reiterated that she was a burden on the department.

She spoke to Jessica Sundheim and Jessica told her that things would get better once she had the baby. Jessica separated after Heather left.

In 2019, she returned from maternity leave early, because she felt so guilty. Had a difficult pregnancy. In February 2019, she was back to investigations. As soon as she comes back Wegner said to watch the little things, it is the little things that matter. She is very much we do this as a team. If she sees someone

struggling to hold their load, then she will set down her load and help someone else. She helped Mikali Talbott log her photographs, and Wegner chastised her for it. Heather said, "I guess I am going to be written up today…" She was assigned domestic violence cases. She was not perfect. She owns up right away when a mistake is brought up. It went from a gradual decline to sprinting downhill.

A couple had a lot of contact with the Police Department. She wanted to talk to the people involved. She watched video footage with the female victim, which she was not supposed to do. She issued a warrant and reached out to the male party. She did not hear back for a long time. Finally, the male gets back to her and says watch the footage again, the warrant is garbage. Olson sat down with her and re-watched the video. He tells her he is glad she caught the issue. She went to the court and dismissed the warrant.

Then [redacted] at the time was being abused in daycare by the wife of a Fire Captain. It took a while for it to become a criminal case. She thinks this is part of the "good ol boys" club. She brought up to Captain Klug that she would not be able to work with the Fire Department. Another baby suffered similar injuries and almost died. In November 2019, she asked to be sent back to patrol. In and out of Wegner's office and being chastised for something. Either in the report, style or used the radio wrong. Very nitpicky stuff that her direct supervisor advised her to go back to patrol. June 19 to November 19, she kept asking to go back on patrol. They said two opposite things: "I'm not sure this is a good fit." But when she asked if she could go back to patrol they would say "No you have to give it more time. It's a learning curve. We see this improvement."

Based on other interviews, the alleged abuse of the child in daycare did not occur in the City's jurisdiction.

Sundheim in November asked if she was ever given *Garrity* rights. She is known for being very good. She usually had three and four in her performance reviews. Some weird stuff was going on. There was to be an internal investigation into her conduct. They had a complaint from an individual about that bad warrant. She cried and in front of someone when she did not feel safe. She already felt like a black sheep. Two people, Det. Guerton and Lt. Wegner, were in and out of Captain Sundheim's office for the investigation.

She learned how to read lips, because she needed tubes in her ears and when she worked in a prison that skill determined whether she got out of there alive.

Justin re-watched the video that she watched with Chief Olson. Very distraught. He said, "We are here because a private citizen made a complaint that one of their officers is being discriminatory (or sexist)." She realized that she was not mentally fit and wanted to leave. Mikali Talbott suggested she leave for the day. Sergeant Goodman told her to take time and leave for the rest of the day.

Her husband, Ryan, is a deputy at the Sheriff's Department. He was shocked when she called so hysterical. They discussed and were going to request to be put back in patrol.

Annual evaluation with Wegner. All threes and fours. At the end of the email, he said we are asking that you go back to patrol or be terminated. Asked for the day shift. His final comments were that she is a good officer, but your judgment is questionable. She took the time to build relationships, get fire training, took the time to adapt to everything they asked her to do. She was sent back to patrol telling her that her judgment was questionable.

Husband told her she had to get out of there, but they could not afford it on his $30.00/hr.

She stayed in the Investigation Division until January 2020. Still did not feel safe with them. Not their fault really but it was perpetuated by the lack of mental health support. Chief Klug exacerbates it greatly. It does not get better from there.

Klug is then Chief. Olson sent an email that "it was a pleasure to work with her even during this hiccup that should have never happened." She failed handgun certification and overthought really badly. Months later, Lackey calls her back to the station and brings her to Klug's office. Never got along with Lackey, who became a Lieutenant.

Now we're realizing she has mental health problems. She was taken off the road, the gun removed and was supposed to work with Haug. Then she would go re-test. She passes the test, but is constantly called back to the station by the sergeants including Lackey. Lackey says they are watching body cam videos and tells Heather "You cannot talk to people like that (she said the people she was speaking to in the video said they were going to take her shotgun and blow her head off). You cannot share your lunch with a private citizen, because you don't know what they are allergic to."

Rookie Chris Robinson, Shane Adelman, Josh Lund, and Matt Pappenfus were her support system. Brought the concern of how deteriorated she was to Sergeant Noyes.

In May, stepdad passed away and was not allowed to go back to Michigan to visit. Once he passed away, she was told she could not go back to stay with her family. Not living up to the words, Chief Klug who had hired her specifically said that they take care of their own like family.

COVID was isolating. She could not converse with dispatch unnecessarily and could not go back to the station. It hit her badly. If this place doesn't care about me then I don't care about myself. Pat Blanchard said they took the person who she was and made her the worst version of herself.

Sergeant Jared Foley was going through similar things she was going through. She was in a dark place that she almost committed to the thought of driving her car into an oncoming train. It would take a while for someone to find her, and it would not be her husband.

She quit. She went down to the locker room. She said she would be in the briefing office. Went home early. Parked car on side of highway 52-mile marker across from grain silo waited to hear a train horn. Said she could roll her car in front of the train. Then she received a text from her husband. An hour had passed since she had been there. She showed back to shift. She felt very alone. She asked for help and no one told her where it was. They told her, she should go talk to the Chief.

She referred to the medication therapist that she has an appointment with today who works in the same office as the Chief's spouse. She does not particularly think that she respects patient confidentiality at that therapists office. When she (Chief's wife) was at the Department, (in-house social worker), she did not have a real stable track record. She is known for almost causing shootouts by agitating the perpetrators. Summers equates a conversation with her (Chief's wife) as having a conversation with a convicted killer. Ashley Healy is her medical professional. That two-year time period affected her so deeply that she had to go to counseling. Summers is working on how to take criticism.

What Jenna Bjork went through was far worse than what she went through. When she wrote her resignation letter, and was told by Chief Klug she was not to submit to HR. She gave the letter to Lisa and Lisa said this was the first time they ever received a complaint. She followed her down the stairs and heard papers being passed back and forth and the other lady said we have a problem.

Chief Klug destroyed close to 100 officers in three years.

Pat committed suicide. She was not invited to his funeral.

No one knew she was leaving. She received a bunch of texts to find out where she was.

When they announced that he was being sworn in. A male private citizen of the community in the news told them you are going to get what you deserve. She was mistaken about the report. She pulled up the article in which Chief Klug said they are getting what is coming to them. They all requested the guy from out of state to be Chief. And many of them would stay. Members of City Hall came down to ask.

Josh Lund was in his basement ready to eat one too. He was terminated for a policy violation. He was told to disengage from a pursuit, but did not have the opportunity to do so. Josh was getting ready to put spike strips. Matt Pappenfus got away with a lot, because Chief Klug liked him.

Noyes also got away with a lot too. Local defense attorneys attempted to Giglio him, because his testimony did not match up to the body camera. You cannot lie as an officer. And nothing came of it. Once before Klug was Chief and the other incident was as he was coming on as Chief.

She believes Kevin Corey was terminated after he was cleared regarding the use of force issues.

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CITY OF MINOT

EMPLOYEE POLICY MANUAL

2024

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ACKNOWLEDGEMENT

This employee handbook describes in general terms the City of Minot employment policies, procedures, and benefits. In all instances, the official benefit plan documents, City of Minot Code of Ordinances and Civil Service regulations serve as the governing documents.

The policies in this manual are not firm conditions of employment, and the language is not intended to create a legal or employment contract between the City of Minot and its team members. Employment with the City of Minot is at the sole discretion of the City of Minot and may be terminated pursuant to Section 24-47 of the City of Minot Code of Ordinances.

The City of Minot reserves the right to alter, amend, modify, rescind, or otherwise change the content of this manual as permitted by law, in its sole discretion, and without advance notice to any team member affected by the provisions of this manual.

MAGIC CITY ASPIRATIONS

THE CITY OF MINOT CITY COUNCIL HAS LAID OUT ITS VISION FOR THE FUTURE OF MINOT. FOUR ASPIRATIONS WILL NOW DRIVE EVERY DECISION THE COUNCIL MAKES TO HELP REACH THAT GOAL OF A THRIVING, RESILIENT, SAFE, AND CONNECTED COMMUNITY.

DYNAMIC & FLOURISHING

- Minot is a thriving and vibrant community, built on a spirit of sharing strengths
- Committed to being adaptable and ready for strategic growth, and making successful investments in targeted partnerships

RESILIENT & PREPARED

- Be proactive and plan for infrastructure, equipment and capital projects
- Focus on speeding up flood control project (12 years)
- Minot is ready to meet the challenges and opportunities of the future

SAFE & WELCOMING

- Increase community engagement to increase diversity and inclusion
- Maintain a constant and accurate flow of information from the City
- Maintain current levels of public safety (even if more resources are
- required)
- Minot is a caring community where people feel safe and engaged,
- with opportunities to celebrate our histories and diverse identities.

EXCELLENT & CONNECTED

- Minot is an innovative, professional, fiscally responsible City government that works collaboratively with residents and partners to provide community leadership and deliver high quality services.

MISSION & VALUES

SERVING OUR NEIGHBORS, BUILDING OUR COMMUNITY WITH PRIDE

PROFESSIONALISM

Workplace professionalism is characterized by your attire, behavior, attitude, and communication. The definition of professionalism in the workplace also includes your timeliness, organization, and dedication.

INTEGRITY

Integrity is the quality of being honest and showing a consistent and uncompromising adherence to strong moral and ethical principles and values.

EXCELLENCE

Excellence is the commitment to being and/or delivering the best. Excellence is striving for continuous improvement, seeking out new opportunities to learn and grow.

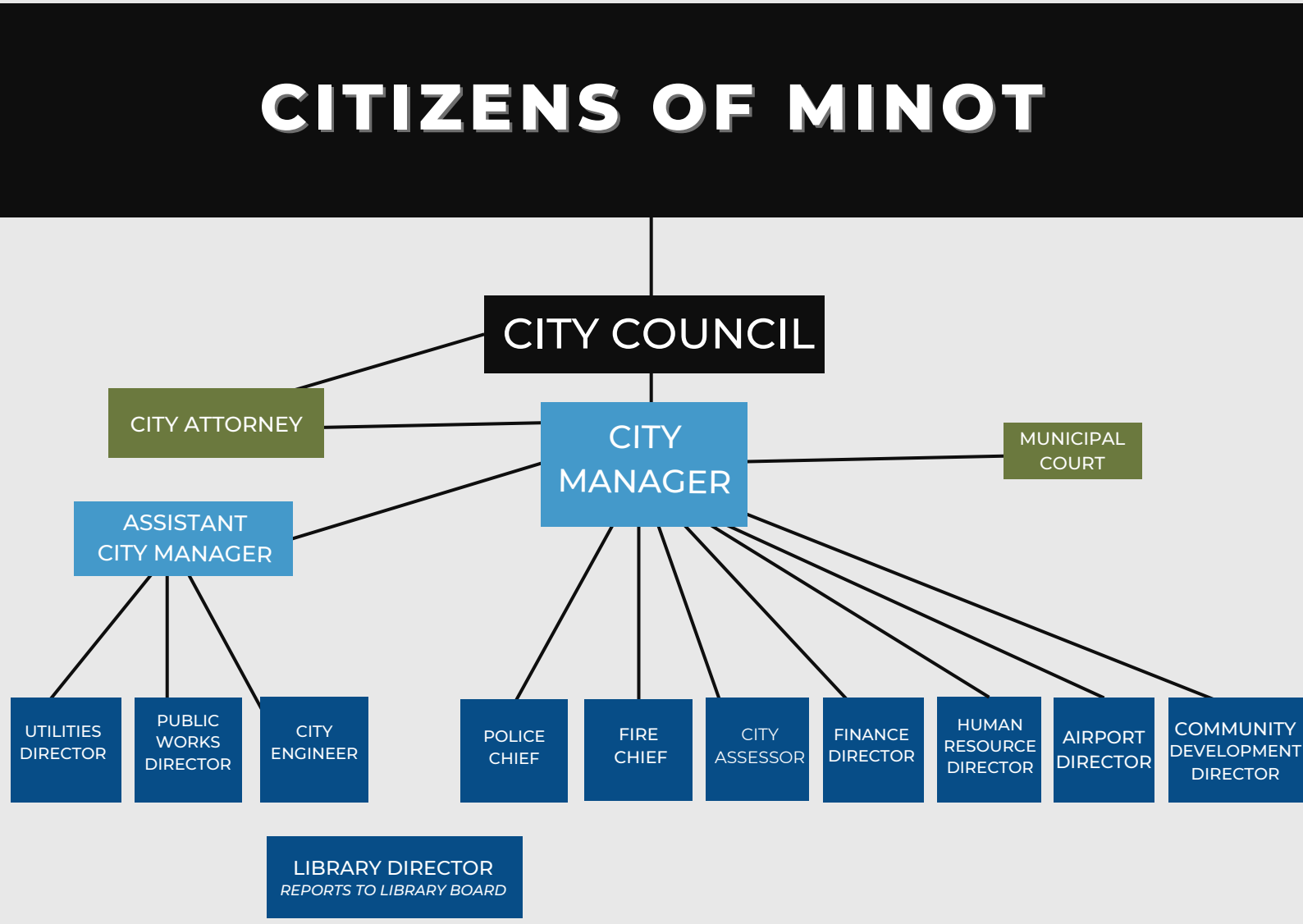
RESPONSIBILITY

Responsibility is being accountable for one's actions and to know and follow various rules, laws, and conduct codes. Responsibility is accepting what is required and carrying out the task to the best of your ability. Responsibility is carrying out duties with integrity.

DEDICATION

Dedication is the quality of being committed to a task or purpose. Dedication is a very strong demonstration of support for or loyalty to someone or something.

ORGANIZATIONAL STRUCTURE CHART



EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE ACTION

It is the policy of the City of Minot to provide Equal Employment Opportunity (EEO) as that no person shall, on the ground of race, religion, gender, color, national origin, marital status, age, political affiliation or any disability which does not prevent satisfactory performance of work, be excluded from participation, be denied the benefit of, or be subject to discrimination under any program or activity undertaken by the City of Minot.

An Affirmative Action Plan of the City of Minot sets forth goals to ensure the policy of nondiscrimination as it relates to all our employment and operating practices. It demonstrates the City's commitment to equalizing employment opportunities for females, minorities, and disabled persons in all job classifications found within the City of Minot.

The EEO program applies to all applicants for positions and employees of the City and provides that they are treated fairly. Such treatment shall include no discrimination of any nature in the recruitment, placement, promotions, transfers, demotions, advertising or solicitations for employment, training during employment, rates of pay, or other forms of compensation, selections for training including apprenticeship, lay-off or termination or any related function.

The EEO program in the City of Minot is viewed as good management practice and in order to make it successful, all persons employed by the City of Minot are asked to support the EEO program. Furthermore, people employed in management positions are asked to direct special attention to the internal application of the EEO program and how its goals and objectives relate specifically to their department. The City needs everyone's cooperation for a viable EEO program.

Any person who believes she/he has been discriminated against for any reason should contact the Personnel Office.

CHAPTER 1

01 CIVIL SERVICE COMMISSION

02 VETERAN'S PREFERENCE

03 FILLING VACANCIES

04 ENTRANCE LEVEL POSITIONS AND STARTING SALARY

05 BACKGROUND CHECKS AND ALCOHOL/CONTROLLED SUBSTANCE TESTING

06 VOLUNTARY LATERAL TRANSFERS

07 DEMOTION POLICY

08 PROMOTIONAL LADDERS

09 SALARY POLICY FOR PROMOTION, CAREER LADDER AND RECLASSIFICATION

10 PROMOTIONAL EXAM POLICY

11 RE EMPLOYMENT LISTS

12 PROBATIONARY PERIOD

13 NEPOTISM

Civil Service Commission – General Information

The Civil Service Commission is composed of three citizens appointed by Mayor and confirmed by the City Council for a five-year term of office. The Commission members are to be citizens known to be sympathetic to the systemic application of the principles of merit and fitness to personnel issues in the public service.

The general duties of the Civil Service Commission are as follows:

a) To represent the public interest in the improvement of personnel administration in the City service.
b) To act in an advisory capacity upon request of the City Council on problems concerning personnel administration.
c) Investigate and hear appeals and complaints concerning the administrative work of the Commission.
d) To review, conduct public hearings on, and approve the Annual Employee's Pay and Classification Plan with or without modification.
e) To authorize the Personnel Director to enforce the provisions of the Personnel Code.
f) To recommend to the City Council measures for coordinating work of the various departments and for increasing the efficiency of the service.
g) To serve as an appeal board to rule on grievances that any employee may have.
h) To do any other lawful act or acts necessary to affect the purpose of the Personnel Code.

1. ENTRANCE AND PROMOTIONAL TESTS

Prior to testing for any entrance level or promotional position, the Civil Service Commission will establish the procedures and requirements for filling the open position. Testing for the position may consist of a written exam(s), a physical agility exam(s), a skill test(s), and an oral interview or any combination of the above exams, depending on the procedures set by the Civil Service Commission.

Once testing is completed, applicants are ranked numerically according to their total composite score on all of the Civil Service Commission approved factors of the open position, with the highest composite score being ranked #1. From this employment list, the appointing authority may consider for appointment three (3) names for the first vacancy to be filled, plus two (2) additional names for each vacancy thereafter.

2. VETERAN'S PREFERENCE

Veteran's Preference is granted on all entrance testing, in accordance with the NDCC 37-19.1-02 requirements, to all qualifying veterans. Qualifying veterans are defined by ordinance as those having served between 12/7/1941 to 12/31/1946 (WWII), 06/27/1950 to 1/31/1955 (Korean), 8/5/1964 to 5/7/1975 (Vietnam Era), 8/2/1990 to 1/2/1992 (Persian Gulf), 9/11/2001 to the last day, declared by Congress of operation Iraqi freedom or operation enduring freedom (whichever occurs later). The Department of Veterans' Affairs shall maintain a list of all period dates for emergency conditions in which the armed forces expeditionary medal has been awarded.

An existing employee is not eligible for Veteran's Preference when applying for another position within the City of Minot.

3. FILLING VACANCIES

The Personnel Code gives present employees a qualified preference to fill a vacancy before the vacancy is filled through the re-hiring of a former employee (by attrition or lay-off) or hiring of a new employee. In general terms, most vacancies will be advertised internally and competitive examinations will be given to qualified applicants. However, there are some exceptions to this general statement and some methods by which an employee can receive additional compensation without opening the job to competition. Please refer to the Annual Plan for other examples, or contact the Human Resource Office.

4. ENTRANCE LEVEL POSITIONS AND STARTING SALARY

The Personnel Code provides that the Commission can identify certain entrance-level positions for which the employees of the City and non-employees can make applications alike on an equal basis. The current Annual Pay and Classification Plan have a listing of the City's entrance-level positions. Whenever practical and feasible, all other vacancies shall be filled by competitive examinations of eligible applicants in the City's classified service.

The beginning salary for the newly appointed employee shall normally be at the minimum of the salary grade for the job classification. However, a newly appointed employee with related experience or other qualifications, may be paid a salary more than the published minimum salary at the discretion of the Human Resource Director and appointing authority, within available budget allowances for the applicable department.

5. BACKGROUND CHECKS AND ALCOHOL AND CONTROLLED SUBSTANCE TESTING

As a condition of employment, all individuals appointed to a position will be subject to a background check to include, but not limited to, driver's license records, criminal records, education records, credit reports and personal history records. An authorization and waiver to release information must be signed by the appointed individual.

Certain positions, designated as performing safety-sensitive functions, also require post-offer pre-employment testing for drugs and alcohol in compliance with DOT regulations and departmental requirements.

6. VOLUNTARY LATERAL TRANSFERS

Whenever a vacancy exists in a position that is not an entry-level position, administration will consider requests for a lateral transfer. Mutual consent of affected Department Heads is required.

However, as a general rule, these positions will be filled by competitive promotional examinations; administration may require those requesting transfer to the position, to write the required examination in competition with others in the classified service.

7. DEMOTION POLICY

When an employee is demoted at their request, or for the best interest of the City, the employee will be placed into the grade of the new position with a corresponding decrease in pay. The actual step that the employee will be placed into will be determined by the Human Resource Director in consultation with the Department Head involved and with final approval by the City Manager.

Information considered by the Human Resource Director in determining placement into the grade includes the years of service of the employee, percentage of difference between old grade and new grade, any disciplinary issues involved in the demotion, step placement of current employees within the department and whether the employee will be eligible for a future career ladder promotion. Mutual consent of affected Department Heads is required for demotions not associated with a reduction in force.

8. PROMOTIONAL LADDERS

In accordance with Section 24-53 of the Personnel Code, the Commission can approve the interconnection of related job descriptions into a “promotional ladder” whereby an employee in one position in the ladder may progress to a higher position in the ladder without competing against other applicants for that position. The Commission has established rules and regulations to govern the use of promotional ladders which provide that progression is dependent upon satisfactory job performance as determined by the employee’s Department Head (who shall have the sole discretion to make that determination) and which provides that the employee pass certain competency tests prescribed by the Commission. A listing of the promotional ladder positions is included in the current Annual Pay and Classification Plan.

9. SALARY POLICY FOR PROMOTION, CAREER LADDER AND RECLASSIFICATION

If an employee is promoted through competitive examination or career ladder, a 5% (two steps) salary adjustment will be made on the effective date of the promotion. In the event that the employee is at the top step of the former position and the first step of the new position is at a higher level, the employee will be placed in the first step of the new position or a minimum of 5%. If an employee accepts a position in another department that results in a new occupational career for the employee, the employee may not receive a 5% adjustment in salary. The actual step the employee will be placed in, will be determined by the Human Resource Director in consultation with the applicable Department Head. Information that will be considered by the Human Resource Director in determining placement into the grade includes: step placement of current employees within the department, required certifications of the position and eligibility for future career ladder promotions.

In the event of promotion of a non-exempt employee to an exempt position, the employee will receive a salary increase of not less than 10% or will be adjusted to the minimum salary level of the new position's salary grade, whichever is greater. At no time shall an exempt employee be compensated at a Base Rate less than 5% greater than his or her highest paid subordinate either non-exempt or exempt, where a direct supervisory relationship exists.

If an employee's position is reclassified to a higher range of pay or is recommended to a higher range of pay as a result of a prevailing rate adjustment as part of the Annual Plan, the employee will be placed into the new range at the same rate of pay and then progress through the pay ranges as so designated under pay plan progression. If the first step in the reclassified service position is higher than the employee's current rate of pay, the employee shall be placed in the first step of the reclassified position, on January 1st, and then progress through the pay plan ranges as so designed under pay plan progression.

If an employee's position is reclassified to a lower range of pay, and the highest step in the reclassified position is lower than the employee's current rate of pay, the employee's salary shall be frozen at their current rate of pay until such time that the position range is adjusted.

Notwithstanding anything to the contrary above, the appointing authority has the authority to place an employee in a step that results in more than a 5% increase in the best interest of the City.

10. PROMOTIONAL EXAMINATION POLICY

Promotional examinations within the City of Minot are restricted to the Civil Service employees who have completed 3 months of probationary employment, and have met all qualifications of the position for which they are applying. (Change approved by the Civil Service Commission November 8, 2012)

11. RE-EMPLOYMENT LISTS

Please refer to section 24-43 in the City of Minot Code of Ordinances.

12. PROBATIONARY PERIOD

Upon making an appointment to fill a vacancy, the appointing authority will establish a probationary period with respect to the particular person appointed to the position which probationary period shall not exceed eighteen (18) months.

All new hires, while on probation, will not be eligible for the annual step increase on January 1st until they have completed their probationary period which may consist of six-months or one year, depending upon the position and as designated by the Department Head (probationary periods may be extended by the Department Head up to eighteen months). The new hire will receive a 5% (2 steps) increase upon satisfactory completion of the probationary period of service in the position. Thereafter, the employees annual step increase will occur on January 1st.

13. NEPOTISM

No person shall be appointed to a position if he or she is related to a City employee, who would have immediate supervisory authority over, or who would be immediately supervised as a result of appointment to the position.

Designated relationships for the purpose of nepotism shall mean: mother, father, grandmother, grandfather, sister, brother, spouse, son, daughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, step-mother, step-father, step-sister or step-brother.

If a disqualifying relationship, as designated above, comes about or occurs after the employee is appointed to a position with the City and while he/she is employed by the City, there is no requirement to dismiss the affected employee.

CHAPTER 2

01 SELF- FUNDED INSURANCE
02 GROUP DENTAL INSURANCE
03 GROUP VISION INSURANCE
04 GROUP LIFE INSURANCE
05 HOLIDAYS
06 PTO - PAID TIME OFF
07 FROZEN SICK LEAVE
08 PARENTAL LEAVE
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10 SHORT TERM DISABILITY
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20 WORKPLACE BREASTFEEDING POLICY
21 SERVICE AWARDS
22 ADDRESS UPDATES, CHANGES IN MARITAL STATUS + QUALIFYING EVENTS
23 ADDITIONAL VOLUNTARY BENEFITS

1. SELF-FUNDED HEALTH INSURANCE

The City of Minot provides a Health Care Plan through Blue Cross/Blue Shield of North Dakota which offers a choice of single, single + dependent and family coverage. Eligible employees may enroll the 1st of the month immediately following the first day of employment. The current City payment formula for health insurance is to cover 100% of a single policy, 92% of a single + dependent policy and 82% of a family policy.

Please refer to the City of Minot Benefit Guide for current rates and coverage information.

Link: City of Minot Benefit Guide

Health insurance premiums are deducted from the employee's gross wages prior to federal tax calculations, thereby reducing the employee's taxable earnings.

If an employee does not enroll for coverage at the beginning of employment, during the available enrollment period of 31 days, they must wait until open enrollment for coverage to begin in the next calendar year.

Employees are able to make changes to their health insurance coverage during the year with a qualifying event or lifestyle change. Any employee wishing to make any changes in their coverage should contact the Human Resource Office as soon as possible to make sure the proper deductions will be made for the new coverage.

Important Note: The use of medical marijuana by City employees, even with a prescription is strictly prohibited due to the City of Minot's receipt of federal funding.

2. GROUP DENTAL INSURANCE

The City provides employees an opportunity to participate in a choice of two Dental Insurance Plans through Blue Cross/Blue Shield of North Dakota. Single or Family coverage options are offered.

Please refer to the City of Minot Benefit Guide for current rates and coverage information.

Link: City of Minot Benefit Guide

3. GROUP VISION INSURANCE

The City provides employees an opportunity to participate in a Vision Insurance Plan through Blue Cross Blue Shield of North Dakota. Single or Family coverage is offered.

Please refer to the City of Minot Benefit Guide for current rates and coverage information.

Link: City of Minot Benefit Guide

4. GROUP LIFE INSURANCE

The City provides a $15,000 life insurance policy with a $15,000 Accidental Death & Dismemberment benefit. The cost to the City is $3.71 per employee per month for this coverage.

Provisions are also made for the employee to carry an additional $15,000 life insurance policy with a $15,000 AD&D benefit at a cost of $4.05 per month.

Dependent coverage may also be carried on employee's spouse and dependents at a cost of $.30 per month for $2,000 coverage policy on spouse, $1,000 coverage policy for children 6 months to 19 years of age, and a $100 coverage policy for children 14 days to 6 months.

Additional Life insurance is available through UNUM paid by the employee.

Additional Life/Accidental Death & Dismemberment 100% paid for by employee					
Employee Benefit Election	$15,000	$25,000	$50,000	$75,000	$100,000
Monthly Cost	$4.05	$6.75	$13.50	$20.25	$27.00

Please refer to the City of Minot Benefit Guide for more information.

Link: City of Minot Benefit Guide

5. HOLIDAYS

The employees of the City of Minot shall observe the following holidays:

New Year's Day	January 1st
Martin Luther King Jr. Day/ Civil Rights Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Good Friday	Various Dates
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Veterans Day	November 11th
Thanksgiving Day	4th Thursday in November
Christmas Day	* Please Reference Below Chart*

Christmas Holiday – The bolded/underlined days/dates below shall encompass the entire observed Christmas Holiday, depending on the day of the week Christmas Day falls, and no additional days shall be treated as the Christmas Holiday:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
25 Dec	**26 Dec**	27 Dec	28 Dec	29 Dec	23 Dec	24 Dec
24 Dec	**25 Dec**	**26 Dec**	27 Dec	28 Dec	29 Dec	23 Dec
23 Dec	**24 Dec**	**25 Dec**	26 Dec	27 Dec	28 Dec	22 Dec
22 Dec	23 Dec	**24 Dec**	**25 Dec**	26 Dec	27 Dec	28 Dec
21 Dec	22 Dec	23 Dec	24 Dec	**25 Dec**	**26 Dec**	27 Dec
20 Dec	21 Dec	22 Dec	23 Dec	**24 Dec**	**25 Dec**	26 Dec
19 Dec	20 Dec	21 Dec	22 Dec	23 Dec	**24 Dec**	25 Dec

- City offices shall be closed in observance of all holidays and employees of the City shall, except for essential services which must be provided, not work upon holidays.

- Where an employee, because of the nature of service is required to work on a holiday, extra pay will be provided in accordance with the rules and regulations established by the Commission, which rules may provide for treating managerial personnel differently from other personnel.

- When a holiday falls on a Saturday, the Friday preceding shall be considered the holiday. When a holiday falls on a Sunday, the Monday following shall be the holiday.

- Fire Control Staff and Sworn Police Officers, with the exception of exempt level Officers, will have holidays included in annual Paid Time Off (PTO) accrual.

6. PAID TIME OFF (PTO) Effective December 31, 2023

During the 2024 budget process, the Civil Service Commission and City Council approved the transition to Paid Time Off (PTO) to replace the previous vacation/sick leave policy.

For purposes of policy, PTO will be used as “Scheduled PTO” and “Unscheduled PTO”. Scheduled PTO is leave requested and approved in advance. Unscheduled PTO is for unplanned leave used for purposes such as illness, mental health, and bereavement leave. As much notice as possible should be provided by the employee to their supervisor when asking for Unscheduled PTO, and a PTO Request must be submitted through ADP Workforce Manager immediately upon return to work. Employees who have claimed Unscheduled PTO may be required to provide documentation supporting the use.

Medical and dental appointments using PTO will be authorized during work hours, if the employee notifies their supervisor in advance of the appointment within a reasonable amount of time, to ensure there is adequate personnel for work coverage. However, to the extent that is possible, employees are encouraged to set appointments during nonpeak working time for their position.

Carryover of PTO from one calendar year to the next will be calculated in accordance with the tables above. The last pay period in December of each year the City will buy back any accrued PTO over the applicable Carryover amount, at full value. For example, a 5-10-year General employee that has an accrued balance of 350 hours of PTO as of the last pay period of December will have 26 hours of PTO paid out and included in their second (2nd) December paycheck (350-324=26hrs).

Annual Mandatory Use outlined in the tables is the amount of PTO required to be used by an employee in a calendar year and is a cumulative minimum for the year. If an employee has not used the mandatory amount by August 31st of a calendar year, and the employee has not had PTO leave approved/scheduled before the end of the same calendar year the Department Head will schedule the remaining Annual Mandatory Use to be taken prior to December 31st of the calendar year. The City reserves the right, under the recommendation of the City Manager and the Finance Director, to require additional Mandatory use of PTO to address unexpected budget pressures.

Employees violating the PTO rules and regulations will be subject to the disciplinary actions as outlined in Chapter 6 Section 4 – Disciplinary Policy.

Fire administration staff will accrue PTO in accordance with the General Table above. The Fire Table reflects a conversion factor of 1.50, which is used to convert the accrual provided to other City employees to the appropriate equivalent for Fire personnel.

The 10 paid holidays observed by the City are also calculated into the accrual rates for the Police and Fire departments as they are regularly scheduled to work on holidays (80 hours for Police and 106 hours for Fire). This provides flexibility for when they choose to use their time off and ensure compensation if they choose not to use the accrued PTO. Holidays for Police and Fire personnel required to work on a holiday will be treated as a regular day worked for purposes of compensation and overtime policies. If City Council approves additional holidays within the year, the appropriate hours will be added to the accruals for applicable Police and Fire staff.

PTO accrual shall accrue for each full-time employee as follows:

General 80 Hour Per Pay Period Employees

	General 80 Hour Per Pay Period Employees				
	Monthly	Annual	Per Pay Period	Carry Over	Mandatory Use
0-1 year	14.69	176	6.78	300	N/A
1-5 years	14.69	176	6.78	300	40
5-10 years	16.69	200	7.70	324	80
10-15 years	18.69	224	8.63	348	80
15+ years	20.69	248	9.55	372	80

80 Hour Per Pay Period Employees with Discretionary Leave

	Discretionary Pay Combo							
	40 hrs-Monthly Hours	Annual	Per Pay Period	24 hrs-Monthly Hours	Annual	Per Pay Period	Annual Mandatory Use	Carryover
0-1 year	18.03	216	8.32	16.69	200	7.70	N/A	300
1-5 years	18.03	216	8.32	16.69	200	7.70	40	300
5-10 years	20.03	240	9.24	18.69	224	8.63	80	324
10-15 years	22.03	264	10.17	20.69	248	9.55	80	348
15+ years	24.03	288	11.09	22.69	272	10.47	80	372

Non-Administrative Police Employees

	Non-Administratvie Police Employees				
	Monthly	Annual	Per Pay Period	Carry Over	Mandatory Use
0-1 year	24.06	289	11.10	321	N/A
1-5 years	24.06	289	11.10	321	43
5-10 years	26.20	314	12.09	347	86
10-15 years	28.34	340	13.08	372	86
15+ years	30.48	366	14.07	398	86

Fire Department- 2912 Employees

	Fire Department 2912 Employees				
	Monthly	Annual	Per Pay Period	Carry Over	Mandatory Use
0-1 year	32.00	384	14.77	450	N/A
1-5 years	32.00	384	14.77	450	60
5-10 years	35.00	420	16.15	486	120
10-15 years	38.00	456	17.54	522	120
15+ years	41.00	492	18.92	558	120

7. FROZEN SICK LEAVE ACCRUAL USAGE POLICY

Sick leave accruals will be "frozen" effective December 30, 2023 with the transition PTO. Frozen sick leave accruals still maintain a "no cash" value status.

Access to frozen sick leave accruals will allowed in the following situations:

a) For any FMLA designated event which happens prior to December 31, 2023.
b) For any denied Short-Term Disability claim, provided PTO has been used prior to the claim being denied, and the Short-Term Disability Policy has been followed as outlined in Section 10 of this Chapter.
c) For employees on maternity leave, to supplement a Short-Term Disability Claim after the allowable 6-week benefit (8 week benefit for C-Section) has been exhausted.
d) To supplement any shortfall from an approved Short-Term Disability claim.
e) Other extenuating circumstances as approved by the City Manager.

8. PARENTAL LEAVE

The City of Minot will allow FMLA qualified employees to use 12 weeks of unpaid parental leave for the birth, adoption, surrogacy or foster placement of a child, within a 12-month period of the event.

Parental leave must be taken as a continued absence during the 12-week duration. However, incremental absence(s) taken in one-week increments for the 12-week duration, may be considered in emergency cases, and must be approved by the Department Head.

Employees experiencing pregnancy will be required to file a Short-Term Disability claim to access the 6-week paid benefit (8-week for C-section births), and will be allowed to access “frozen” sick accrual bank for the remainder of the 12-week leave.

Employees experiencing adoption, surrogacy or foster placement, and expectant fathers will be allowed to use 6-weeks of PTO paid leave, and 6-weeks of unpaid leave for parental leave purposes.

Employees must provide 30-day advance notice for approval of parental leave.

9. MILITARY LEAVE

The City of Minot will approve military leave of absence requests from employees in order for employees to fulfill their military training and service obligations, provided the employee has military orders.

The City of Minot does not require the use of PTO leave for military leave.

a. Up to 20 days per year for paid military leave will be granted to employees for the required annual camp and for other military training or duty when ordered by proper authority to active non-civilian employment. However, the City of Minot does not recognize 'orders' issued under 10 USC Section 672(d) (voluntary active duty) as proper orders for the purpose of granting paid military leave, instead an unpaid leave-of- absence will be granted, unless the employee requests to use PTO in order to receive pay while on 672(d) military leave.

b. Any military leave caused by the full or partial mobilization of the Reserve and National Guard, or emergency state active duty, will be granted with pay for the first 30 days thereof, less any other paid military leave which may have been granted during the calendar year, pursuant to our military leave policy.

c. If leave is needed for weekend, daily, or hourly periods of drill for military training, employees will be given the option of time off without pay or scheduling said training to off-duty hours.

10. SHORT-TERM DISABILITY (Revisions in red added 02/13/2024)

Effective January 1, 2024, the City of Minot will provide short-term disability insurance, with non-taxable claim benefits, to all of its benefit eligible employees.

This benefit replaces 60% of the employee's weekly salary, up to a maximum of $1,500 per week. Once your disability claim has been approved, the employee will be eligible to receive their employer paid short-term disability benefit starting immediately following an injury and after 7 days following an illness. The benefit will be paid for 25 weeks of disability or until the employee is able to return to work, whichever occurs first.

This policy includes an option to participate in a rehab/recovery program, if applicable, for which the employee will be given an additional 10% income (70%) total.

The City reserves the right to require an employee to apply for Short-Term Disability Insurance compensation, if the situation applies.

All Short-Term Disability claims will run concurrently with FMLA.

Employees filing Short-Term disability claims will be required to use available PTO for any absence from their scheduled work hours in the first 7 calendar days after the injury or illness. This rule applies to any Short-Term Disability claim filed even if there are multiple claims in the same year. Following the initial 7 calendar days, employees will be required to use available PTO or Frozen Sick Leave for 25% of their standard scheduled hours throughout the duration of the STD claim. This ensures that benefit deductions, which are the employees' responsibility, are not missed and also supplements the employee's STD claim income.

If a claim is denied, employees may use available frozen sick leave for 100% of their standard scheduled hours until their return to work, provided they have used the required 7 calendar days of PTO first.

It is important for an employee to start the claim process at the earliest possibility. Any PTO used during claim process time will be considered final, even if the claim is paid retroactively and doubles up on PTO days already used. If you already know you will be out for an impending FMLA personal health related issue, you can start the claim process in advance of your absence, to minimize the use of PTO outside of the required days outlined in this policy.

Contact the Human Resource Department with questions and assistance in submitting a claim.

11. LONG-TERM DISABILITY

The City of Minot purchases a long-term disability policy for all Civil Service employees. This policy is written through Unum Life Insurance Company. If you become disabled while insured under the policy, the policyholder will pay long term monthly disability benefits during your disability, but not beyond the maximum benefit period.

The policy provides for a monthly disability payment to the employee in the amount of 66.67% of monthly pay as determined on the day before the period of disability starts. This disability payment has a waiting (qualifying) period of 180 days before monthly payments begin. If the employee remains disabled, this payment will continue until the employee reaches retirement age. At that time, the employee will receive pension payments.

The long-term disability policy also includes survivor benefit provisions and rehabilitation plans for the employee and spouse.

Each employee is given a Group Benefits Certificate of Insurance policy upon enrollment. This document provides the full details and provisions of the policy and should be kept by all employees as their proof of coverage.

A full copy of the policy is also kept on file in the Human Resource Office for review upon request.

12. EMPLOYEE ASSISTANCE PROGRAM

The City of Minot provides access to an employee assistance benefit for employees and all household members through SupportLinc.

Managing work and your home life can sometimes be a challenge. SupportLinc is available with emotional wellbeing and work-life balance resources to keep you at your best. Administered by CuraLinc Healthcare, the program offers guidance to help you address and resolve everyday issues at no cost to you or your family. Features include:

- **In-the-moment support.** A licensed clinician answers 24/7/365 when you call for assistance with work-related pressures, depression, stress, anxiety, grief, relationship problems, substance abuse or other emotional health concerns.
- **Short-term counseling.** You and your immediate household members may also receive up to **8 (eight)** counseling sessions, in-person or via video.
- **Legal consultation.** Receive a free, 30-minute legal consultation per issue with a local attorney, by phone or in-person.
- **Convenience resources.** Knowledgeable specialists provide referrals that help address a wide range of challenges such as child or elder care, adoption, pet care, home repair, education and housing needs.
- **Financial expertise.** Consultation and planning with an experienced financial professional, providing pressure-free, personalized guidance until your issue is resolved.
- **Web platform.** Your one-stop shop for program support, resources, information and more. Discover on-demand training to boost wellbeing. Find discounted gym memberships, financial calculators, self-assessments and career resources. Visit the Savings Center for a variety of discounts. Or complete a search to explore articles and tip sheets.
- **Mobile app.** Get confidential support and guidance on the go from a licensed counselor via live chat, as well as expert content and resources – all from the convenience of your phone or tablet.
- **Text therapy.** Exchange text messages, voicenotes and resources Monday – Friday with a licensed counselor through the Textcoach® mobile and desktop app.
- **Animo.** Strengthen your mental health and overall wellbeing at your own pace using Animo's self-guided content, practical resources and daily inspiration to foster meaningful and lasting behavior change.
- **Virtual Support Connect.** This digital group support platform offers moderated sessions hosted by licensed counselors on topics such as grief, mindfulness, preventing burnout and more.
- **Navigator.** Take the guesswork out of your emotional fitness! Click the Mental Health Navigator icon on the web portal or mobile app, complete a short survey and receive personalized guidance for accessing program support and resources.

All requests for information or assistance are free of charge and completely confidential. You can contact the SupportLinc program 24 hours a day, 365 days a year. Access support whenever needed, wherever is most convenient for you. To get started, call 1-888-881-5462, or log in to the SupportLinc Web Portal or eConnect® mobile app with group code: **cityofminot**

13. JURY DUTY LEAVE

If an employee is required to report for jury duty, the employee shall receive an amount which will equal the employee's regular rate of pay for the time they are gone. This is accomplished by endorsing funds for jury duty compensation to the City of Minot; endorsed checks are to be given to the Human Resource Office. The employee also has the option of taking PTO and retaining the amount received for jury duty. Jury duty is paid at $25 for the first day of duty and $50 per day thereafter.

14. CITY EMPLOYEES PENSION PLAN (*Only Applicable to Employees Hired Prior to 01/10/2014*)

Effective July 6, 2010 the City of Minot adopted an ordinance that modified the City Employee Pension Plan. The ordinance contained recommendations to modify and update the existing pension ordinance so that the current pension plans now have the following provisions:

All employees who are duly appointed, qualified and acting Civil Service employees of the City shall be members of the City Employees' Pension Fund. Every duly appointed, qualified and acting civil service employee shall become a member at the time they commence employment or reemployment with the City. A $25 non-refundable membership fee will be charged.

The City Employee Pension Plan is a defined benefit plan. The vesting period for the plan is five years prior to July 6, 2010. Vesting is ten years of service for all employees starting on or after July 6, 2010. Pension benefits are calculated using average monthly earnings. Prior to July 6, 2010 average monthly earnings are calculated by using the thirty-six highest paid months of employment with the City.

On or after July 6, 2010, the average monthly earnings are calculated by using the forty-eight highest paid months of employment with the City For employees hired after July 6, 2010 the multiplier is 2.3333% per year of service for the first 30 years and 0.5% per year of service for the next 10 years up to a maximum benefit of 75%. For those employees hired before July 6, 2010 the multiplier is 2.5% per year of service for the first 30 years and 1% per year of service for the next 10 years up to a maximum benefit of 85%. For those employees hired before December 31, 2003 the multiplier is 3.3% per year of service for 20 years, or until the 2.5% multiplier per year of service would be of greater value to them. In other words, employees hired before December 31, 2003 receive the greater benefit of the prior plan or the plan existing from January 1, 2004 to July 5, 2010.

The plan provides for a cost of living adjustment of 1% per year starting the January following when the employee reaches 65 or qualifies for Medicare.

For employees hired after July 6, 2010 there will be no health care supplement benefit. The health insurance benefit for employees hired before July 6, 2010 is equal to the amount of the City's contribution for a single health insurance premium for retirees prior to January 1, 2004 until they reach age 65. For all retirees after December 31, 2003, the formula is equal to $7.50 per month per year of qualifying service from retirement to age 65.

The plans also contain a provision for "Rule of 85" for employees hired before July 6, 2010, which gives the employee the option of retiring at age 60 or under the rule of 85 - whichever comes first. Rule of 85 is determined when the employee's age plus years of qualifying service equal the number 85. For those hired on or after July 6, 2010 the provision for "Rule of 90" applies, which gives the employee the option of retiring under the rule of 90 which is determined when the employee's age plus years of qualifying service equal the number 90 with the minimum retirement age of 55.

The employer and employee share in the funding of the pension plans. The employee share is currently 14.74%.

15. CITY EMPLOYEES DEFINED CONTRIBUTION RETIREMENT PLAN (*Only Applicable to Employees Hired 01/01/2014-12/31/2018*)

Effective January, 2014 the City of Minot adopted an ordinance that established the City of Minot Employees Defined Contribution Retirement Plan. The ordinance outlined the requirements for employee eligibility of those employees hired or rehired on or after January 1, 2014:

All employees who are duly appointed, qualified and acting Civil Service employees of the City shall be members of the City Employees' Defined Contribution Retirement Plan. Every duly appointed, qualified and acting civil service employee shall become a member at the time they commence employment or reemployment with the City. A $25 non-refundable membership fee will be charged.

The City Employee Retirement Plan is a defined contribution plan with a graduated vesting period of five years. Graduated vesting means any portion the City contributes becomes the employees' vested portion based on years of service. Employees working for the City less than one year will have 0% vesting in the employer's contribution account, employees completing more than one year and less than two years of service will have 20% vesting, employees with more than two years and less than three years of service will have 40% vesting, employees with more than three years and less than four years of service will have 60% vesting, employees with more than four years and less than five years of service will have 80% vesting and employees with five or more years of service will have 100% vesting of employer contributions in the plan.

The City Employee Defined Contribution Retirement Plan is set up with a 7.5% mandatory contribution from the employee to account for the City's non-participation in Social Security. This contribution will be deposited into an available 401(a) account of the employees' choosing as outlined by the current Financial Investor. Employees have the option to contribute additional funds, which would be deposited into an available 457(b) account of their choosing to obtain matching employer contributions. City of Minot matching contributions and maximums are outlined as follows. Employees are able to contribute an additional 1% of their salary to receive a 4% matching by the City, with a maximum City match of 8%. If the employee does not contribute any monies over the 7.5% mandatory contribution, there is no matching contribution by the City.

All employee contributions are pre-tax as outlined by Internal Revenue Service code and regulations.

EMPOWER Participant Login: https://participant.empower-retirement.com/

16. PARTICIPATION IN THE NORTH DAKOTA PUBLIC EMPLOYEES' PENSION PLAN (*Applicable to Employees Hired January 1, 2019 – Present*)

During the 2019 Budget process the Minot City Council approved the option for designated eligible employees to join the North Dakota Public Employees Retirement System (NDPERS) Pension Plan. This plan is a "defined benefit" plan, which allows members to compute their future retirement benefits from a mathematical formula as set by North Dakota Century Code 54-52-17(4).

Regardless of the earnings performance of funds, you or your beneficiaries are guaranteed to receive no less than your member account balance. This amount is referred to as your minimum guarantee.

The NDPERS defined benefit is based on the following calculation: **Final Average Salary x Benefit Multiplier (1.75%) * x Years of Service Credit = Monthly Single Life Retirement Benefit.**

Final Average Salary is the average of your highest salaries in 36 of the last 180 months worked.

Benefit Multiplier is the rate established by the legislature, at which you earn benefits. The current multiplier is 1.75%. **All employees hired in 2019 are locked with the 2.0% multiplier.**

Service Credit is the amount of public service you have accumulated under NDPERS for retirement purposes. Your credit service is reported to you each August in your Annual Statement of Accounts from NDPERS.

Under NDPERS, you become vested at the earlier of: 36 months (3 years) of service credit, or attaining 65 years of age while employed with a participating employer.

Please note, employees designated as being eligible to participate in this program, are able to enroll at any time. Feel free to contact the Human Resource Department with any questions you may have.

Website: NDPERS Defined Benefit Hybrid Retirement Plan (Main)

NDPERS Member Login Page: www.ndpers.nd.gov/member-self-service-mss

17. FLEXIBLE SPENDING AND DEPENDENT CARE ACCOUNTS

During the 2019 Budget the City Council approved the option for City employees to participate in Flexible Spending Accounts for qualified medical expenses and dependent care costs.

Participation in these types of accounts gives employees the opportunity to save on those expenses by taking advantage of pre-tax benefits. Putting aside funds for FSA accounts means more money in your pocket. One of the best perks of a FSA account is that all of your funds are available to use at the start of the plan year. That means if you have a big medical expense at the start of the plan year, you can tap into your FSA funds immediately to help cover the cost.

The maximum amount the employee is able to elect for tax deferment for Medical Expenses annually is $1,500, and $5,000 per household for Dependent Care. You will then pay the funds back through bi-weekly pre-tax payroll deductions. Funds designated for FSA accounts must be used within the plan year or will be forfeited by the employee. **Important note:** married employees who already have a Health Savings Account (HSA), or whose spouse has an HSA, are not able to participate in a Medical FSA.

18. TUITION REIMBURSEMENT PROGRAM

The purpose of the City of Minot Tuition Reimbursement Program is to assist in training of City employees on a planned and continuous basis, in preparation for future promotion and succession planning opportunities. This policy supports employees seeking to further their formal education. The program assists with tuition for career or job-related courses taken at accredited colleges, universities, business schools, technical and trade schools. The following procedure shall apply to participation in graduate and undergraduate programs.

To be eligible in the Tuition Reimbursement Program, an employee must be a full-time Civil Service or a designated full-time Library position and in good standing. Employees must have at least two years of satisfactory evaluations prior to applying for the program, and must sustain the same level of performance during participation in the program. Employees on a leave of absence, working part-time, or in a non-career or seasonal full-time position are ineligible.

Complete Tuition Reimbursement Policy and associated forms can be found on the employee intranet or by clicking this link: Tuition Reimbursement Policy and Forms

19. MEALS AND WORK BREAKS

All employees will be given a 30-minute meal break, completely relieved of duties, for each shift over 5 hours in duration NDAC 46-02-07-02.

All employees' work schedules should provide for a 15-minute work break during each one-half shift, subject to reasonableness and emergency conditions. The work breaks should be scheduled near the middle of each one-half shift whenever this is feasible. Breaks are to be taken at the job site if the time of the break occurs at a remote location. As an option, employees can be given a one (1) hour lunch break, completely relieved of duties, in place of the allotted 15-minute work breaks and in combination with the required 30-minute lunch break.

Breaks are allowed in the employee's room if the employee is working in the Water Maintenance Yard, Shop, Public Works Building, Water Plant, City offices, etc., at the time of break. If the employee is in a mobile unit at break time, the break may be taken at the nearest convenient location, or in the unit. The immediate supervisor has the authority to add other reasonable rules to the above, for the efficiency of the operation and the public image of the department.

20. WORKPLACE BREASTFEEDING POLICY

The City of Minot supports breastfeeding mothers by accommodating a mother who wishes to express breast milk during her workday when separated from her child. The provisions of this Workplace Breastfeeding Policy meet the requirements of the Fair Labor Standards Act as it relates to breaks for nursing mothers.

- Any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her newborn.
- A clean, private space (other than a restroom) that is shielded from view and free from intrusion from coworkers and the public, will be made available for this purpose.
- A clean and safe water source with facilities for washing hands and rinsing breast pump equipment is located near the space.
- Refrigerators are available so breast milk can be stored appropriately. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk.

21. EMPLOYEE SERVICE AWARDS

The City of Minot gives recognition to those employees who have reached five (5) year incremental milestones of employment with the City in accordance with North Dakota Century Code 4-07-18

Any employee achieving a milestone during the course of the year will be presented their selected award at an annual awards ceremony.

22. ADDRESS UPDATES, CHANGES IN MARITAL STATUS AND OTHER QUALIFYING EVENTS

Any change in an employee's marital status should be completed by the employee through ADP/WorkForce Now; revisions will include changes made to personnel/payroll records, life insurance and health insurance. If a marriage is anticipated, the information should be updated within 31 days of the marriage, to allow for changes to health insurance, and beneficiaries on life insurance, if desired.

If dependent is to be added to an employee policy, the employee must convert to a single plus dependent or a family health policy within 31 days of the birth, adoption or placement of the dependent. If you already carry a single plus dependent or a family contract, you must still notify Blue Cross/Blue Shield of the added dependent. Changes in insurance coverage may be completed through ADP/WorkForce Now.

Changes to federal or state tax withholding may be completed by the employee through ADP/WorkForce Now.

Any changes in addresses or phone numbers must be completed, at the earliest convenience, through ADP/WorkForce Now so that records may be kept up to date.

Contact the Human Resource Office with any questions you may have concerning the information provided in this section.

23. ADDITIONAL VOLUNTARY BENEFITS

City employees are also given the opportunity to participate in additional voluntary benefits with AFLAC and NDPERS deferred compensation. Please see the Human Resource Office concerning these products. You will be provided with contact information for applicable vendors.

CHAPTER 3

01 ANNIVERSARY DATES FOR PROBATIONARY EMPLOYEES

02 ANNUAL INCREASE FOR PERMANENT EMPLOYEES

03 PAY PLAN

04 PAY PLAN PROGRESSION

05 OVERTIME

06 COMPENSATORY TIME

07 ON CALL PAY

08 CALL BACK PAY

09 WORK WEEK

10 PAY DAY

11 EMPLOYEE COMPENSATION

12 CREDIT UNION SERVICES

1. ANNIVERSARY DATES FOR PROBATIONARY EMPLOYEES

All new hires, while on probation, will not be eligible for an annual increase on January 1st until they have completed their probationary period which may consist of six months or one year, depending upon the position (probationary periods may be extended by the department head up to eighteen months). The new hire will receive a 5% (2 steps) increase upon satisfactory completion of the probationary period in the position. Thereafter, the employee's annual step increase will occur on January 1st.

In the event a probationary employee is appointed to a different entry level position, the employee will still be considered on probation for the new position. The employee will not be eligible for the annual step increase on January 1st until satisfactory completion of the probationary period and completion of one year of service in the new position. Thereafter, the employee's annual step increase will occur on January 1st.

In the event an employee, while on probation, is appointed to an entry level position of higher grade, there will be no probationary step increase. Thereafter, the employee's annual step increase will occur on January 1st, commencing after they have completed one year of service from their date of hire.

In the event an employee, while on probation, is appointed to a non-entry level position, there will be no probationary step increase. Thereafter, the employee's annual step increase will occur on January 1st, commencing after they have completed one year of service from their date of hire.

2. ANNUAL INCREASE FOR PERMANENT EMPLOYEES

The normal annual increase date for all permanent City of Minot Civil Service employees is officially January 1st unless changed by City Council through the budget process. At the time approved by City Council, all employees will progress through the pay ranges as designated under the current pay plan progression.

3. PAY PLAN

The salary structure of the City's current Annual Pay and Classification Plan is of symmetrical design in that it consists of 90 ranges of pay, each comprised of seventeen (17) steps. Each range is approximately two and one-half (2½) percent above the preceding range and steps 1 through 17 within each range are approximately two and one-half (2½) percent greater than the preceding step. The length of each range from minimum to maximum is approximately fifty (50) percent.

The City Pay Plan designates a range (grade) for each individual position under the City's classified service.

4. PAY PLAN PROGRESSION

Progression through the steps of the plan will be as follows: if an employee's step within the range is under midpoint (steps 1-8) the employee will move two steps (5%) annually on January 1st, until the employee reaches midpoint of the range (step 9). Once an employee reaches midpoint and above (steps 9 through 16) the employee will progress one step (2½%) annually on January 1st until the employee reaches step 17.

Provision adopted for 2018 pay plan: Employees currently at Step 17, who are in positions that will not be reclassified to a higher range (grade) in the coming year will be afforded a two (2) percent increase annually until the position experiences a range reclassification.

Each department has a copy of the Annual Plan and it is available for study by employees upon request to the department head.

5. OVERTIME

Overtime when necessary, is paid at time-and-a-half for all regular hours actually worked in excess of forty hours per week, or 106 hours every two-weeks for employees working in fire control positions. Check with your department head immediately if questions arise about overtime.

6. COMPENSATORY TIME

As approved by Section 207(o) of the Fair Labor Standards Act of 1985, the City of Minot is authorized to provide compensatory time off to employees in lieu of overtime. Signing a compensatory time policy agreement is a condition of employment which entitles the employee to use, preserve, or cash out any unused compensatory time upon termination. Compensatory time guidelines differ by department with maximum allowable accrual based on the type of work performed. Employees requesting to utilize compensatory time off shall be permitted to use such time, as long as the time requested does not unduly disrupt operations of the applicable department.

Compensatory time balance may not exceed 120 hours for Fire control staff or 80 hours for Police sworn officers. For all other positions, compensatory time balance may not exceed 40 hours with a maximum of 80 hours earned per calendar year.

The City may change or update compensatory time policy based on the needs of the workforce and within federal guidelines.

7. ON CALL PAY

Employees who are subject to an on-call rotation, will receive a daily or weekly or monthly stipend as approved by the Department Head.

8. CALL BACK PAY

All call-back pay, with the exception of fire emergency call-back pay, will be paid at overtime rates equal to 1 ½ times the normal rate of pay. A minimum of 1.5 hours will be paid to applicable employees regardless of the duration of time worked during the call-back period.

9. WORK WEEK

The normal workweek for most City employees, shall begin at 12:01 am on Sunday morning and end at 12:00 am Saturday evening. Actual scheduling of work hours is at the sole discretion of the supervisor or department head in charge. Fire control staff work week begins at 8:00 am on Monday morning of the corresponding week.

10. PAY DAY

The City pays on a bi-weekly basis, every other Friday, with twenty-six pay (26) pay periods in a year. All annual payroll dates can be provided to the employee by contacting the Human Resource Department.

11. EMPLOYEE COMPENSATION

The City requires direct deposit of all employees' paychecks through electronic transfer. The City will deposit your paycheck directly into a checking or savings account, or both, at any financial institution(s) each payday.

Your pay notices each payday can be accessed via ADP/WorkForce Now. Each paystub contains information from current payroll, year-to-date totals. Paycheck stubs should be reviewed each payday by the employee to determine if the proper deductions are being made. Deductions from your bi-weekly paycheck may include the following:

a) Social Security (6.2%) or City Pension or Retirement 401(a) mandatory (7.5%)/Retirement 457(b) voluntary (2%) or NDPERs Defined Benefit Pension Plan, as applicable.
b) Health Insurance Premium - single, single plus dependent, or family;
c) Life Insurance Premium and Optional Insurance offered through the City group plans;
d) Federal tax – mandatory with percentages varying by number of exemptions claimed and marital status;
e) State tax – mandatory with percentages varying by number of exemptions claimed and marital status;
f) Medicare – 1.45% of gross wages;
g) Donation Fund – voluntary - .2% of gross wages;
h) Miscellaneous Deductions – previously arranged with the Human Resource Office.

12. CREDIT UNION SERVICES

As a City employee, you and each member of your immediate household are eligible for membership in Great River Federal Credit Union, located at 2401 N Broadway. The credit union, which was established for government employees, may offer additional benefits that other financial agencies do not. For additional information regarding the Credit Union, or to begin payroll deductions, contact Great River Federal Credit Union at 852-3866. **Website:** https://www.greatriverfcu.org/

CHAPTER 4

01 FMLA LEAVE (FAMILY MEDICAL LEAVE ACT OF 1993

02 UNPAID PERSONAL LEAVE OF ABSENCE

1. FMLA LEAVE (*FAMILY MEDICAL LEAVE ACT OF 1993*)

The City of Minot complies with The Family Medical Leave Act which entitles eligible employees to take up to 12 weeks of unpaid, job- protected leave in a 12-month period for specified family and medical reasons. The employer may elect to use the calendar year, a fixed 12-month leave or fiscal year, or a 12-month period prior to or after the commencement of leave as the 12-month period. The City of Minot has elected to begin the FMLA at the commencement of the leave.

The law contains provisions on employer coverage; employee eligibility for the law's benefits; entitlement to leave, maintenance of health benefits during leave, and job restoration after leave; notice and certification of the need for FMLA leave; and, protection for employees who request to take FMLA leave. The law also requires employers to keep certain records.

To be eligible for FMLA benefits, an employee must meet all of the following requirements:

a) work for covered employer; (the City of Minot is a "covered employer")
b) have worked for the employer for a total of 12 months; and
c) have worked at least 1,250 hours over the previous 12 months; and
d) work at a location in United States where at least 50 employees are employed by the employer within 75 miles.

A covered employer must grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

1. for the birth and care of the newborn child of the employee;
2. for the placement with the employee of a son or daughter for adoption or foster care;
3. to care for an immediate family member (spouse, child, or parent) with a serious health condition;
4. to take medical leave when the employee is unable to work because of a serious health condition; or
5. for certain qualifying exigencies relating to military family leave.

Under some circumstances, employees may take FMLA leave intermittently-which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedules The City of Minot requires the employee to use available accrued paid leave per the PTO/Frozen Sick Leave Policy which will run concurrent with approved FMLA leave.

A covered employer is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the company will require the employee to reimburse the company the amount it paid for the employee's health insurance premium during the leave period.

1. CONTINUED- FMLA LEAVE (FAMILY MEDICAL LEAVE ACT OF 1993)

Upon return from FMLA leave, an employee must be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. The employee who takes leave under this policy may be asked to provide a fitness for duty clearance form from a healthcare provider.

On a basis that does not discriminate against employees on FMLA leave, the City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

The employee may be required to provide advance leave notice and medication certification. Taking of leave may be denied if requirements are not met. For further information, a complete copy of the FMLA is posted in each department.

2. UNPAID PERSONAL LEAVE OF ABSENCE

Employees may request a leave of absence without pay for any reason considered sufficient by their department head and approved by the City Manager. Leave without pay must not exceed six months and must be submitted in writing with the following requirements:

a) The reason why such leave should be granted;
b) The effective date of beginning of the leave; and
c) The probable date of return.

Factors considered in approving a personal leave of absence include necessity of the leave, and the personal leave shall be granted only when it is determined that it will not interfere with the normal operation of the City's business. Employees failing to return to duty upon completion of a personal leave, shall be considered to have voluntarily terminated their employment with the City.

If approved, employees must use their leave of absence for the approved purpose.

CHAPTER 5

01 HARASSMENT POLICY

1. HARASSMENT POLICY

Statement of Philosophy: It is the policy of the City to provide a positive work environment that is free of discrimination, sexual and all other forms or harassment. This policy is a measure to ensure that all employees will enjoy a safe work place free from unreasonable interference, intimidation, hostility, or offensive behavior on the part of the council, department heads, supervisors, co-workers or visitors. All employees are responsible for compliance with this guideline, as the City of Minot will not tolerate unlawful discrimination or harassment.

A. It is the City policy that sexual and other unlawful harassment of its employees in any form is prohibited and that all employees shall be treated with respect. Actions, words, jokes or comments based on an individual's sex, race, ethnicity, age, disability, religion, sexual orientation or any other legally protected characteristic shall not be tolerated.
B. Employees have the right, under Section 703 of Title VII of the Federal Civil Rights Act of 1964, to work in an environment that is free of conduct that can be considered sexually harassing or abusive. Any employee who engages in, who perpetuates or condones sexual or other unlawful harassment shall be subject to disciplinary action, up to and including termination.
C. The City, in recognizing its obligation to maintain a place of employment that is free of harassing, abusive, or disruptive conduct shall take positive and prompt corrective action where necessary in accordance with this policy.

Definitions:

Unlawful harassment is defined as verbal or physical behavior which relates to an individual's race, color, national origin, religion, gender, age, sexual orientation and/or disability when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Workplace harassment is defined as any unwelcome conduct, whether, verbal, physical, visual, or innuendos that are derogatory, abusive, disparaging, bullying, threatening or disrespectful types of behavior, even if unrelated to a legally protected status; when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment is defined as any verbal or physical conduct of a sexual nature such as, but not limited to, sex-oriented remarks or jokes, pressures or demands for sexual favors, implied or overt promises or threats, or any unwelcome conduct with sexual or demeaning overtones when:

- Submission to or rejection of such conduct is made, explicitly or implicitly, as a term or condition of employment or advancement;
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creates an intimidating, hostile, or sexually offensive working environment.

Unacceptable Conduct Defined: Sexual harassment is a serious offense and is a form of employee misconduct. Sexual harassment does not refer to the occasional non-sexual compliment, but to behavior of a sexual nature that is not welcome, is personally offensive and impairs an employee's work effectiveness or is behavior that creates an intimidating, hostile or offensive work environment.

The following are types of conduct an example of harassment, which are prohibited. These examples do not necessarily represent all ways in which sexual harassment may occur and are not intended to limit the definition of sexual harassment.

A. Verbal comments and gestures of a sexual nature including any suggestive remarks, pictures, jokes and catcalls.
B. Explicit or implicit promises of career advancement or preferential treatment in return for sexual favors. Such promises or preferential treatment may include but are not limited to: hiring, promotion, training opportunities, work schedule, leave approval, performance evaluations and pay increases.
C. Explicit or implicit threats that an employee shall be adversely affected if sexual demands are rejected. Such threats include but are not limited to: lower performance evaluations, denial of promotions, punitive transfers, terminations and altered/increased work assignments.
D. Unsolicited and repeated touching of any kind including: touching, patting or pinching of another person, or repetitive brushing against a person's body.
E. Derogatory remarks about a person's national origin, race, language, accent; disparaging or disrespectful comments.
F. Loud, angry outbursts or loud, angry outbursts of obscenities.

Responsibilities of Employees, Elected Officials, Department Heads and Supervisors:

A. All employees have a responsibility to conduct themselves in a manner, which ensures the proper performance of their job responsibilities and maintains the public's confidence. Employees who experience or witness any type of sexual, workplace or unlawful harassment should follow the steps outlined in the Complaint process to assist in maintaining a workplace environment free of sexual, workplace or unlawful harassment.
B. Department Heads and other department Supervisors have a responsibility to act immediately and take corrective action when they observe behavior that violates this policy. All management representatives must recognize the seriousness and sensitive nature of any sexual, workplace or unlawful harassment complaint brought to their attention and need to follow the procedures outlined in this policy to assist in maintaining a workplace environment free of unlawful discrimination or harassment.

Complaint Procedures

City Employees or job applicants who perceive they have been subjected to sexual harassment have the right to pursue a grievance including an appeal to the Civil Service Commission pursuant to procedures stated in Sections 24-101 through 24-104 of the City of Minot Code of Ordinances. If unreported the City is severely limited in maintaining a workplace free of sexual or other unlawful workplace harassment. Employees are not required to deal directly with an offending individual(s) in seeking a resolution.

A. An employee who feels that he/she has been subject to sexual, unlawful or workplace harassment should clearly state to the individual that his/her behavior is offensive to them.
B. If you are unable to confront your alleged offender or the behavior persists after confronting the alleged offender, go to your immediate Supervisor who shall immediately notify the Department Head and Human Resources.
C. If the immediate Supervisor is involved in the alleged harassment, the incident should be reported director to the Department Head, who shall immediately notify Human Resources.
D. If the complaint involves the Department Head, the incident should be reported directly to the Human Resource Director and/or the City Manager.
E. If the complaint involves a member of Human Resources, the incident should be reported to the Department Head and/or the City Manager.
F. If the complaint involves the City Manager or a member of the City Council, the incident should be reported directly to the Human Resource Director.
G. The Human Resource Director shall be responsible for conducting an investigation in a fair, prompt and complete manner as outlined in the nature and scope of investigation.

Nature and Scope of Investigation:

- Any investigation of a complaint of sexual, workplace or unlawful harassment shall be limited to an inquiry of the truth or falsity of a specific complaint.
- Interviews of all relevant witnesses will be conducted in confidence to the extent permitted by law, and summaries of witnesses' statements and the investigator findings shall be in writing.
- To the extent permitted by law, investigations shall be conducted in a confidential manner; the knowledge of a pending investigation, nor the contents and/or findings of an investigation will not be shared except with the appropriate parties, or otherwise required by law.
- Persons who are asked to cooperate and participate in a pending investigation shall only be informed that a harassment complaint has been brought and that information being sought from the individual is a necessary part of the investigation. Written contents and findings of investigations are done pursuant to the complaint process and shall be maintained by the Human Resource Department in a secure place. However, it must be noted to all employees, that records of the City are public, except certain confidential records in accordance with NDCC 44-04-18.1.

Discipline

- An employee who is found to have engaged in sexual, workplace or unlawful harassment or retaliation, or who is found to have knowingly condoned, encouraged, or perpetuated an act or acts of sexual, workplace, or unlawful harassment or retaliation, shall be subject to disciplinary action: including but not limited to, suspension, loss of salary increment, demotion and termination.
- Any employee who believes they have been unfairly disciplined may follow the City of Minot Grievance Procedure as outlined in the City of Minot Employee Personnel Policy Handbook in Chapter 7.

Dissemination of Policy

Prevention and education are the best tools for the elimination of workplace and sexual harassment. The City will take all steps necessary to prevent harassment in any form from occurring such as:

- Conducting training for Department Heads, Supervisors and Employees to affirmatively raise the subject by reviewing policies, discussing behaviors to be mindful of, and a general awareness of intimidating, hostile, or offensive workplace environments and sexual harassment.
- Informing all City employees of the policy.
- Investigating all claims of harassment, hostile work environment, and/or any unwelcome conduct in a confidential manner.
- Taking appropriate disciplinary action for the prevention of reoccurrence of sexual harassment.

CHAPTER 6

01 TENURE OF EMPLOYMENT, TERMINATION OF EMPLOYMENT

02 SEPARATION NOTICE

03 REDUCTION IN FORCE

04 DISCIPLINARY POLICY

05 SUSPENSION, DEMOTION, AND DISMISSAL

06 DRIVING OFFENSE POLICY

1. TENURE OF EMPLOYMENT; TERMINATION OF EMPLOYMENT

Employment with the City once initiated will continue until it is terminated pursuant to the following:

- The employee reaches mandatory retirement age;
- Before reaching the mandatory retirement age, the employee dies or voluntarily quits City employment in order to retire or to pursue other employment;
- The employee is dismissed for the good of the service;
- The employee is dismissed as part of a reduction in force;
- The employee is dismissed for disciplinary reasons;
- The employee is dismissed because the position for which he/she was hired was a temporary position or otherwise one of limited duration or is in a probationary status in accordance with Section 24-48 of the City of Minot Code of Ordinances.

2. SEPARATION NOTICE

Employees who wish to resign from City employment are expected to give at least two weeks' notice to their immediate Supervisor or Department Head in writing. Employees are also asked to contact the Human Resource Department to discuss; potential benefit continuance under COBRA, arrangements for handling pension or retirement, a time to complete an exit interview.

3. REDUCTION IN FORCE

Please refer to section 24-50 in the City of Minot Code of Ordinances.

4. DISCIPLINARY POLICY

The Civil Service Commission has implemented the following rules and regulations as they refer to discipline of City employees:

A. Procedural Rule: In all matters of employees' discipline, the employee's rights of due process will be observed. No employee will be subject to punishment for behavior which is not reasonably identified in Section IV as being the sort of behavior which can give rise to disciplinary action.

B. Allowable Disciplinary Punishments: Employees may be subject to any one or more of the following disciplinary punishments in accordance with the rules and regulations authorized under Section IV:

1. A letter of reprimand to be included in the employee's personnel file (refer to Section 1-12 of the Code of Ordinances);
2. Special performance evaluation that reflects cause for discipline;
3. A temporary decrease in pay in an amount not to exceed twenty (20) percent of the amount of gross pay which the employee would be receiving in the absence of disciplinary punishment for a period of time not to exceed one hundred eighty (180) consecutive days;
4. Suspension without pay;
5. Lateral Transfer;
6. Demotion,
7. Dismissal.

A lateral transfer for disciplinary reasons may only be made to a pre-existing vacancy and then only in accordance with the following rules:

1. The pre-existing vacancy is first opened up to all other employees. If, after posting the position vacancy for 10 days there is no application from any employee who is in good standing and who meets the qualifications for the position, then the lateral transfer may be considered.
2. Both the Department Head of the department from which the lateral transfer is made and the Department Head of the department to which the lateral transfer is made must agree to the lateral transfer.
3. The concerned employee must meet the qualifications for the position to which he or she may be laterally transferred.

C. Appeal: An employee who has been subjected to disciplinary action resulting in the imposition of disciplinary punishment may appeal by following the City of Minot Grievance Procedure.

4. CONTINUED- DISCPLINARY POLICY

D. Substantive Regulations: Employees may be subject to any one or more of the disciplinary punishments provided in Section II for the following types of behavior:

1. Misconduct (i.e., the deliberate violation of a City policy set forth in the employee handbook, Civil Service ordinances or departmental rules and regulations).
2. Insubordination (i.e., being unwilling to submit to supervisory authority).
3. Chronic tardiness (i.e., frequently being late to work over a long duration).
4. Unauthorized absence (i.e., not showing up for work without proper approval).
5. Inefficiency, incompetence, or negligence (i.e., being wasteful of time or energy, lacking qualities needed for effective action, or failure to exercise the care that a prudent person usually exercises).
6. Violation of Safety Rules or Procedures for the employee's job, or, violation of safety rules or procedures, that extends to all City Employees.
7. Conviction of a felony.
8. Being under the influence of or use of intoxicating beverages while on duty.
9. Unlawfully manufacturing, distributing, dispensing, possessing, being under the influence of or using a controlled substance on any City of Minot worksite at any time or elsewhere during working hours.
10. Sale or delivery of non-prescription controlled substance.
11. Theft of City property.
12. Willful destruction of City property.
13. Falsification of City records.

(The above are *types* of behavior. They are not intended to describe specific events or to indicate the seriousness of the offense. The punishments listed in Section II will be applied in relation to the degree of the offense.)

E. Effect on Departmental Rules and Regulations: The Civil Service Commission has approved disciplinary rules and regulations for the Police Department and the Fire Department. Implementation of the foregoing rules and regulations will not supersede any previously adopted rules. If a conflict exists between these rules and previously adopted rules of the Police and Fire Department, the rules of the Police and Fire Department will govern.

5. SUSPENSION, DEMOTION, AND DISMISSAL

A procedure for implementing the suspension, demotion or dismissal of officials and employees of the City of Minot for misconduct, inefficiency, and other contributing factors, has been developed by the Civil Service Commission. The procedure consists of an investigation and appeals hearing of the adversely affected employee. No employee shall be suspended or discharged without adequate reason and just cause.

6. DRIVING OFFENSE POLICY

At the discretion of the Department Head, as defined under Section 24-2 of the City of Minot Code of Ordinances, an employee of the City of Minot in a position requiring a valid North Dakota driver's license shall be subject to demotion, lateral transfer or dismissal for the good of the City of Minot Civil Service, as provided under Section 24-51 of the Code of Ordinances, if he or she is unable to drive a motor vehicle because of conviction of a driving offense.

The decision of the Department Head as to what action is to be taken against an employee unable to drive because of conviction for a driving offense, may take into account the past job performance of the employee and whether there is any other employee available to cover the driving duties required.

Positions requiring a valid North Dakota driver's license are set forth under each individual job description in the Annual Pay and Classification Plan. The Plan is posted and available for review on the internal internet for City employees.

Employees should check with their immediate Supervisor for specific requirements associated with their position and their department.

CHAPTER 7

01 GRIEVANCE AND APPEAL PROCEDURE

1. GRIEVANCE PROCEDURE

The grievance procedure is defined as a procedure whereby any employee who is adversely affected by a decision of his/her immediate Supervisor, Superintendent/Manager or equivalent, or Department Head, may require the decision be reviewed by a person having the authority to reverse the decision. This procedure is as follows:

1. Oral Report: An employee who has a grievance shall first discuss his grievance with his/her immediate Supervisor. If the grievance pertains to a decision made by that Supervisor, the employee may forward the grievance in writing to the next Supervisory level in the department which is generally the Superintendent, Manager or equivalent within the Police and Fire departments.
2. Written Report: The written report must be submitted to the next Supervisory level, as indicated above, within five (5) working days of the initial decision by the immediate Supervisor. Within five (5) working days after receiving a written grievance, the next level of Supervision shall furnish the employee with a written reply to the grievance. If the grievance pertains to a Department Head, the written report must be submitted to the Human Resource Director within five (5) working days of the initial decision.
3. Appeal to Department Head: If the written reply to the grievance is not satisfactory to the employee, he/she may, within ten (10) working days after receiving the reply, submit an appeal in writing to his/her Department Head. The Department Head shall confer with the aggrieved employee and/or his authorized representative and the employee's supervisor before rendering a decision. Such a decision shall be provided in writing and shall be delivered to the aggrieved employee within ten (10) working days of the date on which the appeal was received by the department head.
4. Appeal to Civil Service Commission: If the appeal to the Department Head fails to resolve the grievance, the employee may, within five (5) working days of receipt of decision on the appeal, submit an appeal in writing to the Civil Service Commission. This appeal shall be filed with the Human Resource Office and be referred to the next available meeting of the Civil Service Commission for its review, which shall be final.

Note: The grievance procedure does not apply to: employee terminations related to probationary employment, for just cause or due to a reduction in force; or employee transfers for the good of the service.

CHAPTER 8

01 PERFORMANCE EVALUATIONS

1. PERFORMANCE EVALUATIONS

Department Heads or Supervisors periodically report on the performance of all employees in the classified service. Reports are made at such times and on forms provided by the Civil Service Commission and become a part of the procedures having to do with promotions, salary advancement, and other changes in employee status.

Presently, performance evaluations are required once every three (3) months during the probationary period and annually thereafter. The performance evaluation includes employee ratings, which are entered in the records of the employees by the Human Resource Office and include notification of outstanding behavior, service and achievement.

Notification is also made of misbehavior or unacceptable conduct. Any employee has the opportunity of inspecting their personal service ratings subject to the regulations that have been prescribed by the Civil Service Commission.

<u>Importance of Performance Evaluations:</u>

- The evaluation performance review period is a rare opportunity to have dedicated time to sit down with each employee and discuss at length the assessment of their performance over the past year or quarterly review period for those who are probationary employees, and to discuss the goals both the Supervisor and employee have for the coming year. Normally, most interactions with employees during the week are in the form of directing work or tasks, which does not allow for helpful and comprehensive performance feedback.
- Completing the performance evaluation and meeting with the employee will allow the Supervisor and employee to identify training and development needs relative to attaining annual goals and enhancing or correcting performance.
- Employee records must include information that is accurate and current regarding employee performance. This is particularly important in handling disciplinary actions.
- The performance process can be a beneficial and positive experience for both the employee and Supervisor. This is a chance for the supervisor to provide recognition for work well done, but also to point out where there are problems with the employee's performance.

CHAPTER 9

01 SAFETY POLICY

02 SAFE OPERATION AND MAINTENANCE OF CITY VEHICLES

03 ACCIDENT REPORTING

04 WORKERS INJURY BENEFITS

05 DRUG FREE WORKPLACE NOTICE

06 DRUG TESTING POLICY

07 WRITTEN HAZARD COMMUNICATION PROGRAM

1. SAFETY POLICY

City Administration considers the safety and health of City employees to be one of its primary responsibilities. A safety program has therefore been established to attempt to provide a safe and healthful working environment. Our objective is to reduce the number of injuries to a minimum, to promote safety awareness as a daily attitude in all employees and to protect the physical resources of the City from damage or loss

Administration supports safety policies and safe procedures. Supervisors shall train employees to attempt to attain an accident-free record. Supervisors shall also be on the alert for unsafe practices and conditions and take measures to eliminate them.

Every employee, in turn, shall accept their responsibility to prevent injuries to themselves and fellow employees by prudently following the safety program. In so doing, they will benefit themselves, their families, and the City.

A separate Safety Manual is provided as part of the employee orientation process to more extensively address specifics of the program. Employees are required to acknowledge receipt of the manual and to comply with all rules and regulations as outlined. The manual has been set up with general sections for all employees, some of which are included in this employee handbook, and specific department sections for more specialized positions.

Disciplinary action for violations of safety procedures will be handled in the same manner as violation of any other City policy or procedure.

2. SAFE OPERATION AND MAINTENANCE OF CITY VEHICLES

City owned equipment is kept in service longer than it normally would if it were used in private business. For this reason, it is particularly important to follow well-accepted standards in the care and maintenance of vehicles. Defects should be promptly reported. An employee is responsible for the vehicles assigned to them and they should have an interest in their appearance and condition. Vehicle operators are required to observe all traffic regulations except when special conditions require that exceptions be made to handle emergency situations.

Equipment must be used only as authorized by the department head or City Manager. One of the most common causes of citizen complaints is related to the manner in which City employees handle City equipment. Some things to remember in handling City equipment:

A. Maintain a steady pace under crowded conditions on two-lane streets so that traffic does not pile up behind the City unit.
B. Do not drive the City owned vehicle down the street in and out of traffic with little regard to speed limits and street conditions.
C. Do not park the City owned vehicle out in the driving lane while performing a maintenance function if the situation permits the driver to park the equipment where it would not be an obstruction.
D. Do not overload the City owned vehicle so that it litters the streets at every stop, start or turn.
E. Make sure to erect suitable warning devices or use flagmen to guide the public around vehicles which must be parked in driving lanes.

Topics like the above mentioned have been the subject of more than one telephone call to the City Manager, department head, or in some instances, the Mayor and Council members. Space does not permit listing the various rules and regulations of equipment operations, however, the words “common sense and courtesy” are usually contained in the description of an operator who is considered to be above average.

3. ACCIDENT REPORTING

Care, caution and common sense are basic accident prevention elements in any occupation. Please report any accidents or unsafe working practices. Don’t take chances.

If involved in an accident with a City vehicle, an employee is required to:

A. Give necessary assistance to injured persons.
B. Notify the police and their supervisors.
C. Notify the Finance Department and give them any information they request.
D. When involved in a traffic accident, do not move the vehicle until authorized to do so by the investigating officer.
E. If possible, obtain the names of persons who observed the accident and give these to the investigating officer when he arrives at the scene.
F. Be courteous in your contacts with other persons involved.

4. WORKERS INJURY BENEFITS

WORKERS CLAIM FOR INJURIES- GENERAL INFORMATION/DESNIGNATED MEDICAL PROVIDER

In the event an employee is injured on the job and time is lost, compensation will be paid in accordance with the work injury laws of the State of North Dakota.

To be compensated, an employee must report to their Supervisor/Department Head within 24 hours (regardless of seeking medical attention immediately) by filing an Incident Report if not seeking medical attention, or filing a First Report of Injury Claim form if seeking medical attention. Claim filing is completed on-line at https://www.workforcesafety.com. You may also contact the Human Resource Office to assist with the process.

If you are unable to work due to an injury, the City will continue paying you through use of available sick leave accrual until processing of the claim is complete. When you receive time-loss payment from the bureau, the amount of the check will be deducted from your paycheck on a pre-tax basis and the appropriate amount of sick leave will be credited back to you. If your disability lasts longer than your accrued sick leave, workers compensation payments will be the only payment you will receive.

It is the responsibility of all employees to notify the Human Resource Office of payments received by Workforce Safety & Insurance.

Besides reimbursing salaries, Workforce Safety & Insurance (WSI) may pay medical bills for on- the-job injuries, provided the employee has filed a First Report of Injury claim. The injured employee can file the claim at the Human Resource Office or with your Department Administrative Clerk.

The City of Minot has entered into an agreement with ND Workforce Safety & Insurance to participate in a risk management program. The goal of the program is to provide cost effective case management and emphasize an early return to work at the highest possible functional capacity for the injured worker.

Participation in this program requires the City of Minot to designate a medical provider to treat your workplace injuries and illness. The City's designated medical provider is Dr. Howard Reeve at Trinity Health Center. WSI will not pay for medical treatment to another provider unless you are referred by the City's designated provider or unless the employee notified the City Human Resource Office in writing, prior to the injury that they wanted to be treated by a provider other than the designated provider. Emergency care is exempt from this designated provider requirement.

In order to receive maximum benefit from this program, the employee is required to notify the Human Resource Office and/or Supervisor immediately upon injury.

Once the employee has received medical attention from the City's designated medical provider, or the employees requested designated provider, the Workers Claim for Injury form must be filed immediately.

All injured workers must complete the Incident Report or First Report of Injury form online at https://www.workforcesafety.com with their Supervisor or contact the Human Resource Office for assistance.

5. DRUG FREE WORKPLACE NOTICE

Important Note: The use of medical marijuana by employees, even with a prescription is strictly prohibited due to the City of Minot's receipt of Federal funds.

In accordance with the Federal Drug Free Workplace Act, the City of Minot is notifying all employees of its intent to maintain a workplace free from alcohol and illegal drugs. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance by the employees is prohibited

(1) on any work site (at any time) and (2) elsewhere during all working hours. You are hereby notified that compliance with this policy is a condition of employment. If you fail to comply with this policy you will be subject to disciplinary action as set forth in the City of Minot Employee Manual, disciplinary Rules and Regulations, Part II, which is incorporated herein by reference.

If you are convicted of a workplace criminal drug violation you must notify your supervisor within five days of the conviction, if you request, you will be given information on any available drug- counseling, rehabilitation, and employee assistance program and you will be afforded the opportunity to participate in these programs. Drug abuse in the workplace is a danger to yourself and to others.

6. DRUG TESTING POLICY

The City of Minot is dedicated to providing safe and economical services to the public. Employees are our most valuable resource and it is our goal to provide a safe, healthy and satisfying working environment, which provides personal opportunities for growth. In meeting these goals, it is our policy to:

a) Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;
b) create a workplace environment free from the adverse effects of drug and alcohol misuse and abuse;
c) prohibit the unlawful manufacture, distribution, dispensing, possession, and/or use of controlled substances;
d) encourage employees to seek professional assistance anytime problems, including alcohol or drug abuse, adversely affects their ability to perform their assigned duties;
e) Meet or exceed all Federal Transit Administration and Federal Highway Administration regulations, which require affirmative actions to eliminate the impact of the misuse of alcohol and drugs in the workplace.

The purpose of our drug testing policy is to assure fitness for duty and to protect our employees and the public and the risks posed by the misuse of alcohol and use of prohibited drugs. The policy is also intended to comply with all applicable Federal regulations governing workplace anti- drug and alcohol programs. Federal regulations mandate urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive positions when a positive test results. Standards for the collection and testing of urine and breath specimens have also been set.

The policy incorporates those requirements for safety-sensitive employees. A safety-sensitive position is one that requires an employee to possess a commercial driver's license, or the employee maintains vehicles that require a commercial driver's license to operate.

If you are in a safety-sensitive position and do not have a copy of this policy, please contact the Human Resource Office.

Although the City of Minot does not have a policy of drug testing all employees as a condition of employment, the City does follow a Reasonable Suspicion Testing policy for all employees. Reasonable Suspicion Testing is required when a trained supervisor reasonably suspects that an employee is under the influence of a prohibited controlled substance and/or alcohol. The employer's determination that reasonable suspicion exists to require the employee to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee, and must be documented. The observations may include indications of the chronic and withdrawal effects of controlled substances. A reasonable suspicion alcohol test can only be done immediately prior, during or immediately after the performance of job duties. The observations leading to that testing must be made during, just preceding, or just after the employee performs applicable duties.

7. WRITTEN HAZARD COMMUNICATION PROGRAM

The City of Minot is firmly committed to providing all of its employees with a safe and healthy work environment. It is a matter of City policy to provide our employees with information about hazardous chemicals on the work site through our Hazard Communication Program, which includes container labeling, Material Safety Data Sheets (MSDS's) and employee information/training. Appropriate records will be maintained to ensure an effective Hazard Communication Program.

Department heads will compile a list of all hazardous chemicals that will be used on the work site by reviewing container labels and Material Safety Data Sheets. The lists are updated as necessary. It will be kept both in the individual department office and in the central repository, located at the Minot Fire Headquarters Station #1. (See the Material Safety Data Sheets within your department.)

It is the policy of the City to ensure that each container of hazardous chemicals on a job site is properly labeled. The labels will list:

A. the contents of the container and
B. the appropriate hazard warnings.

To further ensure that employees are aware of the chemical hazards of materials used in their work areas, it is our policy to label all secondary containers. Secondary containers will be labeled with either an extra copy of the manufacturer's label, or with a sign or generic label that lists the container's contents and appropriate hazard warnings. This responsibility has been assigned to each department head.

Copies of material safety data sheets for all hazardous chemicals to which employees may be exposed are kept within each department's office and also in a central repository located at the Minot Fire Headquarters Station #1 and are readily accessible to employees in the work area during each work shift. Each department head is responsible for obtaining and maintaining the file of Material Safety Data Sheets, both within their department and in their portion of the central repository at Fire Station #1. Departmental supervisors will have copies of the MSDS's for their division. Any City of Minot requests for MSDS's from companies will be documented.

Employees are to attend a training session on hazardous chemicals in their work area at the time of their initial work assignment. Employees will sign "sign-off" sheets on training provided. These sheets will be kept in each department supervisor's office. The training session will cover the following:

- An overview of the hazard communication requirements.
- A review of the chemicals present in their workplace operations.
- The location and availability of our written Hazard Communication Program, a list of hazardous chemicals and Material Safety Data Sheets.
- Methods and observation techniques that may be used to detect the presence or release of hazardous chemicals in the work area.
- Physical and health hazards of the chemicals in the work area.
- How to lessen or prevent exposure to hazardous workplace chemicals by using good work practices, personal protective equipment, etc.
- Emergency procedures to follow if employees are exposed to hazardous chemicals.

An explanation of our Hazard Communication Program, including how to read labels and Material Safety Data Sheets to obtain appropriate hazard information.

When a new type of product is introduced into a work area or the chemical composition of a product changes, the employee's supervisor or another individual designated by the department head will review the above items as they are related to the new chemicals.

Periodically employees are required to perform non-routine tasks. Prior to starting work on such projects, each affected employee will be informed by their supervisor about hazards to which they may be exposed and appropriate protective and safety measures.

Before starting any task which involves working with any material of which they are unfamiliar, employees must notify their supervisor in order that the appropriate training might be given to them. In addition, employees must notify their supervisor should any new material come on the work site that the supervisor is not aware of, in order that the appropriate training can be given to employees.

The department supervisor is responsible for the containment of any hazardous material spill in his/her area of responsibility. Equipment required will be stored at each department and checked on a periodic basis. This equipment includes any personal protective equipment, absorbent material, containers, broom, and dustpan. The periodic check will be reported in writing and kept on file in the department. Appropriate disposal of hazardous materials will be the responsibility of the department head involved, in cooperation with the Fire Department.

CHAPTER 10

01 CONFLICT OF INTEREST

02 POLITICAL ACTIVITY BY CITY EMPLOYEES

03 TIME OFF TO VOTE POLICY

04 NO SMOKING POLICY

05 PERSONNEL FILE POLICY

06 WINTER STORM POLICY

07 ELECTRONIC COMMUNICATIONS POLICY

08 RESIDENCY REQUIREMENT

09 TRAVEL AND EXPENSE REIMBURSEMENT

1. CONFLICT OF INTEREST

No public servant shall engage in outside employment or activities, including seeking or negotiating for employment, that conflicts with official City duties and responsibilities. For employees, outside employment performed must comply with relevant department standards of conduct, including any requirement for approval of outside employment.

An employee may hold another job while working for the City but outside employment must not interfere with job performance and must be done outside of assigned working hours. The employee's City position shall be considered the primary employer; outside employment would be considered secondary. The employee's immediate Supervisor and Department Head shall be made aware of secondary employment by the employee to confirm that a conflict of interest does not exist.

No employee may solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's department, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties. A City department or division may accept small gifts which can be consumed at the work place, are in keeping with the occasion, and are made available to all personnel. (Inexpensive advertising items bearing the name of the giver – such as pens, pencils, paper weights, or calendars, etc. – are exempted from this policy.)

2. POLITICAL ACTIVITY BY CITY EMPLYOEES AS DEFINED BY ORDINANCE

No person under City classified service shall:

- use their official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
- directly or indirectly coerce, attempt to coerce, command or advise a municipal officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes;
- be a candidate for elective governmental office that could result in receiving duplicate compensation from the same agency;
- engage in political activities while on duty;
- engage in "political activities" (as that term is defined in NDCC 39-01-04)*
- actively campaign on behalf of those seeking City Council or Mayoral office.

Nothing shall prohibit any person under the City's classified service from being a candidate in any election for an office if none of the candidates for that office is to be nominated or elected at such election as representing a party of whose candidates for Presidential elector received votes in the

last preceding election at which Presidential electors were selected. This shall not apply to City of Minot municipal elections.

Except as provided above, nothing shall be construed to prevent any employee from becoming, or continuing to be, a member or officer of a political club or organization, from attendance at a political meeting, from contributing to or otherwise supporting candidates or from enjoying entire freedom from all interference in casting his vote or favoring candidates.

* NDCC 39-01-04 “Political Activity” defined. The term “political activity” as used in this chapter includes any form of campaigning or electioneering, such as attending or arranging for political meetings, transporting candidates or workers engaged in campaigning or electioneering, distributing campaign literature, political guide cards, and placards, soliciting or canvassing for campaign funds, transporting electors to the polls on election day, and any other form of political work usually and ordinarily engaged in by state officers and employees during primary and general election campaigns.

3. TIME OFF TO VOTE POLICY

It is the policy of the City of Minot to encourage voting by all eligible voters at any statewide, special, primary, general, and/or local election.

When an employee’s regular work schedule conflicts with the time the polls are open, City departments are encouraged to grant employees who are qualified voters, the necessary and adequate time off from his/her employment for the purpose of voting.

4. NO SMOKING POLICY

Effective December 16, 2012 North Dakota voted in favor of a smoke free law which advances public health by protecting workers, residents and visitors from secondhand smoke exposure in public places and places of employment.

The law protects people from exposure to secondhand smoke including the use of e-cigarettes:

- In all enclosed areas of public places and places of employment such as restaurants, bars, truck stops, guest rooms and common areas within hotels and motels, healthcare facilities, long- term care centers, assisted living centers, licensed adult day care facilities, retail tobacco stores, hookah establishments, workplace vehicles, charitable gambling and gaming licensed facilities, and places of public access that may be leased for private functions.
- Within twenty (20) feet of entrances, exits, operable windows, air intakes and ventilation systems of an establishment in which smoking is prohibited by the law.
- Enclosed area means all space between a floor and ceiling that has thirty-three percent or more of the surface area of its perimeter bounded by opened or closed walls, windows or doorways. A wall includes any physical barrier regardless of whether it is open or closed.

5. PERSONNEL FILE POLICY

The City of Minot has established a consistent procedure and centralized location within the Human Resource Department for establishing, maintaining and updating personnel files and records for all City departments. This is policy is necessary to ensure the City of Minot is in compliance with federal and state personnel regulations.

1. All original documents and forms required to be kept in employees' personnel files will be maintained in the Human Resources Department. These files will then contain all required original documents and forms concerning all required personnel information relating to those employees' tenure with the City and will become a part of each employee's permanent file.
2. Current and future copies of forms may, if preferred, be retained by the Department Head or Supervisor for the purpose of performance evaluations and monetary reasons related to budget expenditures; all original forms will be forwarded to the Human Resource Department.
    - This does not prohibit department supervision from maintaining written notes or records of employee performance separate from the personnel file for the purpose of preparing performance evaluations and/or possible disciplinary action.
3. All original documents that address an employee's character and/or performance will be maintained in the personnel file, after and upon and employee's review of such documents. All employees must acknowledge that the employee has reviewed the material by signing the actual document (with the exception of commendation letters and training certificates.
    - The signature of an employee merely signifies the employee has read the material to be filed and does not necessarily indicate agreement.
    - If the employee refuses to sign the copy to be filed, the Department Head shall indicate on the copy to be filed, the employee was shown the material and refused to sign the copy filed. This will then be forwarded and maintained in the personnel file.
    - An employee has the right to answer any material filed and such and answer will be attached to the original document. Any additional statements will not be used as the basis for any subsequent adverse personnel action.
    - No additional documents may be submitted by either the employee, supervisor, or Department Head, after the employee signature is obtained.
    - Anonymous letters or materials will not be placed in the employee's file.
4. Personnel files are records of public entity and are subject to North Dakota open records law, with the exception of those records that are considered "exempt" under NDCC 44-04-18.1. These records are considered confidential and are not subject to public viewing. The following are exempt from public review:
    - An employee's home address; personal phone number; day/month of birth; photographs; medical information; motor vehicle operator's identification information; payroll deduction information; the name, address, phone number, date of birth and social security number of any dependent or emergency contact; any credit, debit, or electronic funds transfer card number; and any account number at a bank or financial institution.

5. CONTINUED-PERSONNEL FILE POLICY

5. Medical information will be maintained in a separate confidential file as required by NDCC 44-04-18.1. This will include any medical information obtained for leave purposes, worker's compensation, family medical leave and/or disability accommodations.
    - All employee medical information shall be treated confidentially and shall not be released without written consent of the employee or as provided by law.
6. Social Security numbers are confidential and will only be released as authorized in accordance with NDCC 44-04-28; for the purpose of participation in retirement or other employment benefits programs; or as authorized by the individual to whom the Social Security number is assigned, that individual's lawful agent or guardian, or by order of court.
7. Any requests to view public records pertaining to employee personnel files shall be directed to the Human Resource Director.
    - Individuals requesting copies of an open public record that is deemed non- confidential and nonexempt, shall be subject to reasonable charges.
8. Any employee may inspect his/her individual personnel file during regular working hours of the Human Resource Department. No material may be removed from the personnel file without approval of the Human Resource Director.

In order that proper reports may be made and records maintained concerning the various personnel activities, a personnel file is developed for each employee. Appropriate forms and records are kept by the Clerk of the Commission, including such things as appointments, transfers, promotions, demotions, performance evaluations, and changes in salary, and any other temporary or permanent change in status of the employee.

The City Council has adopted an ordinance whereby a written reprimand of an employee and written materials relating to the reprimand may be destroyed or discarded from City files at the earlier of one year from the date thereof, or a date for removal specified therein. Written materials relating to a demotion, suspension, or transfer of an employee for the good of the service may also be removed or discarded from City files after five years have elapsed following such occurrence. The provisions of the aforementioned shall be supplementary to the requirements of state and federal law.

6. WINTER STORM POLICY

During a winter storm event the operation of City offices may be affected based on actual travel conditions locally. In the event of a "No Travel Advisory" being declared by the Minot Police Chief during a winter storm event, non-storm essential personnel may be sent home by order of the City Manager.

On those occasions when non-storm essential employees have been sent home, the City Manager will consult with the Police Chief and Public Works Director regarding local road conditions and the expected travel status for the following day in order to determine whether the non-storm essential personnel will be expected to be back to their positions the following day. If the "No Travel Advisory" remains in effect, non-storm essential personnel will remain on a "standby" status. If they are needed during the course of the day in which a "No Travel Advisory" is in place, the City Manager may order appropriate city vehicles to transport them to and from City offices. If the storm continues unabated, those employees not reporting to their job will remain on "standby" status and will be expected to report to their office as soon as possible following the lifting of the "No Travel Advisory". Employees are also encouraged to take work home with them in winter storm events to be prepared to work from home via computer if possible.

7. CITY ELECTRONIC COMMUNICATIONS POLICY

The City has established a policy regarding access to and disclosure of electronic mail messages created, sent, or received by City employees using the City's electronic mail system or computer network. It is important for all employees to understand that the City is subject to the North Dakota open records laws; therefore, all non-exempt records or information contained on computers or telephones are subject to disclosure upon request of any citizen.

The City's electronic communications policies are:

A. The City maintains an electronic mail system. The system is provided to assist in the conduct of City business.
B. The electronic mail system, network components, Internet access hardware and software, and all computers are City property. Additionally, all network access and messages composed, sent, or received on all electronic systems are, and remain, the property of the City. They are not the private property of any employee.
C. The use of the electronic mail system, the network, and computers is reserved solely for the conduct of business at the City. They may not be used for personal business. However, employees may use the Internet for a non-governmental purpose outside of their normal working hours provided the use:
    1. Does not interfere with the performance of any employee's public duties; and
    2. Is of nominal cost or value; and
    3. Does not create the appearance of impropriety; and
    4. Is not for a political or personal commercial purpose; and
    5. Is reasonable in time, duration, and frequency; and
    6. Makes only minimal use of hardware and software resources; and
    7. Additionally, coffee breaks are part of normal working hours and personal usage is not permitted.

D. Incoming electronic communications, particularly electronic mail messages, are not within the control of the user recipient. However, users can ensure safeguarding of the City's system by practicing prudent procedures in opening and handling incoming communications and adhering to the City of Minot Virus Protection Advisory.
E. Electronic mail system and computers may not be used to create any offensive or disruptive messages. Among those considered offensive are any messages containing sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.
F. The electronic mail systems and computers shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials.
G. The City reserves and intends to exercise the right to review, audit, intercept, access, and disclose all network transactions and all messages created, received, or sent over the City's electronic communication system for any purpose. The City reserves the right to install software to measure, manage, and monitor all electronic communication devices, including, but not limited to, storing, accessing, and reviewing information received or sent through e- mail or over the Internet and logging and analyzing sites accessed and denied. The City reserves the right to block out any Internet sites deemed by the City to be unrelated to its responsibilities. The confidentiality of any message or access should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to the department head or they are invalid and cannot be used.
H. Not withstanding the City's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval by the department head.
I. The employee shall not use a code, access a file, or retrieve stored information unless authorized to do so by the employee's supervisor. Employees shall not attempt to gain access to another employee's messages without the employee's permission.
J. Network access reports and electronic mail messages, as well as other nonproprietary information in the City computers, may be public record and may be subject to public access upon request.
K. Any employee who discovers a violation of this policy shall promptly notify his/her supervisor.
L. Standards of Conduct. An employee's use of the City network, including access to the Internet, is a privilege, not a right. An employee is solely responsible and shall be personally liable, legally, financially, or otherwise for their use of the system outside the scope of the employee's employment. An employee's use within the scope of employment shall be treated as other activities undertaken by the employee within the scope of employment. An employee:
    - Must use the internet in a professional and ethical manner;
    - May not create or distribute immoral, obscene, threatening, defrauding, or violent text or images or transmit inappropriate or unlawful materials through the Internet;
    - May not enter or send obscene or offensive material into or through the Internet;

- May not create, distribute, or knowingly use unauthorized copies of copyrighted material;
- Must use the Internet only to access files that are publicly available or to which the employee has authorized access;
- Must refrain from overloading the network with excessive data or wasting computer time, connect time, disc space, printer paper, or other resources;
- Must not allow access to the network by any person not performing a contracted service for the City;
- Is responsible for any charges associated with billable Internet services unless appropriate authorization has been obtained prior to accruing the charge;

M. Any employee who violates this policy or uses the electronic mail system, network, or computers for purposes in violation of this policy shall be subject to discipline, up to and including termination.

8. RESIDENCY REQUIREMENT

There is no requirement that an employee of the City of Minot must reside within the city limits.

9. TRAVEL AND EXPENSE REIMBURSEMENT

Travel allowance is provided by resolution for those City employees who use personal vehicles for City business.

The resolution reads as follows:

a) Employees or officers of the City of Minot using private motor vehicles or private aircraft on out of town business for the City of Minot shall be compensated by a mileage payment equal to the current Internal Revenue Service (IRS) rate for each mile traveled in the most direct route, or the actual cost of airfare, whichever is least. If the travel is by train, commercial aircraft or bus, the City shall reimburse the employee for the fare by the most direct route.

b) All officers or employees for the City of Minot, absent from the City of Minot on official City business in-state, shall receive their actual expenses per day for meals, but in no

c) event more than a total of thirty-five dollars ($35.00) per day (maximum allowed per meal
   - breakfast - $7.00, lunch - $10.50, dinner - $17.50). In addition, they shall receive their actual lodging expenses and actual other incidental expenses.

d) For out of state travel, actual expenses per day shall be paid, but in no event more that the Internal Revenue Service (IRS) maximum approved tax-free meal allowance rate for the out-of-state location that the employee is in, and actual lodging expenses and actual other incidental expenses.

e) Official expenses at local meetings when attendance is required or expected, will be reimbursed by the City.

Note: this policy is currently under review by the Finance Department and will be updated in the near future. Please direct specific questions related to travel and expense reimbursement to the Finance Department.

CHAPTER 11

01 PUBLIC EMPLOYEES RELATION ACT

02 ETHICS POLICY FOR CITY OFFICIALS AND EMPLOYEES

03 EMPLOYEE RESPONSIBILITIES

04 PERSONAL AFFAIRS

05 SOCIAL MEDIA ACCOUNTABILITY

06 CONFIDENTIALITY RESPONSIBILITY

1. PUBLIC EMPLOYEES RELATIONS ACT

The Public Employees Relations Act, contained in state law, provides that an employee may, without fear of reprisal, report in writing to the employee's Department Head, a State's Attorney, Human Resource Director or an employee organization the existence of a job-related violation of state or federal law or, rules, or misuse of public resources. Any employee who intentionally furnishes false information is subject to disciplinary action, including suspension or termination.

2. CITY OF MINOT ETHICS POLICY FOR CITY OFFICIALS AND EMPLOYEES

Purpose:

Good government requires that decision-makers and policy makers be independent, impartial, and accountable to the people they serve. Public service is a public trust, requiring public servants (elected officials and employees) to act loyally to the Constitution, the laws, ordinances and ethical principles. The City of Minot's goal is to provide high quality municipal services which are responsive to the needs of our citizens. Thus it has adopted this Ethics Policy to promote and maintain the highest standards of personal and professional conduct in the pursuit of good government.

To ensure that every citizen can have complete confidence in the integrity of the City of Minot Government, public servants of the City shall respect and adhere to these fundamental principles of ethical service:

A. A public servant shall be trustworthy, truthful, impartial, fair and respectful both inside and outside the City's service, so as not to cause distrust of the servant's impartiality and dedication to the City's best interests.
B. A public servant shall take personal responsibility for the quality of service or representation provided to each citizen so as to deliver the best possible service or representation in a friendly, receptive and courteous manner.
C. A public servant shall act impartially and not give preferential treatment to any organization or individual. Particularly, a public servant shall adhere to all laws and regulations that provide equal opportunity for all persons regardless of race, color, religion, sex, national origin, age or disability.
D. A public servant shall satisfy, in good faith, the same obligations as any other citizen, including all just financial obligations, especially those – such as Federal, State or local taxes – that are imposed by law.
E. A public servant shall not conduct official business if he or she has a direct and substantial financial interest therein (except as allowed by statute), nor shall engage in financial transactions using non-public information, nor allow the improper use of such information by others to further any private interest.
F. A public servant shall perform official duties on a "best efforts" basis.
G. No public servant shall make an unauthorized commitment or promise of any kind purporting to bind the City.
H. A public servant shall protect and conserve public property and shall not use it for other than authorized activities, and shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

3. EMPLOYEE RESPONSIBILITIES

- Attitude

  As in any other business, efficiency, safety and pride in a job well done should be of prime importance to all City employees. Of course, we expect an hour's work for an hour's pay. But beyond that, we expect every employee to think of his job as one of the VERY important cogs in a large wheel. If your job was not worth doing, it would not exist – so treat it with the respect it deserves.

- Punctuality

  Employees are expected to report to work on time. If you are, or will be, late or absent from work, it is most important that your supervisor be notified no later than the normal starting time and earlier if possible. This notification is essential so that the supervisor can plan the day's activities. Absence from work without given adequate notice and repeated incidents of appearing late for duty is grounds for disciplinary action. These practices are not fair to other employees who must carry additional duties during your absence.

- Public Relations

  Each and every employee must share the responsibility for maintaining good public relations with the citizens and with fellow employees. Maintaining effective and courteous contacts with citizens is a basic requirement in every employee's job. It helps to remember that almost every person we greet is helping to pay our salaries through the taxes they pay each year. Those with many questions should be treated with the same courtesy and tact with which you treat others. Time spent in listening to taxpayer complaints, criticisms and problems is not wasted and will reap great dividends in improving the public relations program. We are responsible to all of the citizens of Minot and we should remember this in our day-to-day dealings with citizens.

You should bear in mind at all times that even outside our working hours and the office, people will assume that you, as a City employee, know a lot about City government. They will give importance to what you say about your department and about other departments, and will judge City employees in general by your appearance, behavior and attitude.

4. PERSONAL AFFAIRS

It is hoped that each employee will not let their private life reflect unfavorably upon the City of Minot or their work with the City.

The telephone and computer located in the various City offices and buildings are there for use in the conduct of City business and must not be used for personal affairs, except in cases of emergency.

If it is necessary for you to take time off to attend to personal matters, make arrangements with your supervisor well in advance so that the affairs of the department can be adjusted to compensate for your absence.

If a personal matter is of such nature that it affects your ability to perform your work satisfactorily, make arrangements to discuss the problem generally with your department head or with the Human Resource Office so that your efficiency records will accurately reflect your average performance.

5. SOCIAL MEDIA ACCOUNTABILITY

The City acknowledges employee rights to privacy and free speech that may protect online activity conducted on personal social networks. However, what is published on such personal sites should not be attributed to or reference the City and should not appear to be endorsed by or originated from the City. Employees that choose to list their work affiliation or reference their employment with the City in any way on a social network should regard all communication on that network as if it were a professional network.

Online lives are ultimately linked, whether or not employees choose to mention the City on personal online networks. City employees engaging in social media networks must at all times be conscious and respectful of the fact that their words and actions are representative of the City, regardless of when, where and how the content was posted.

6. CONFIDENTIALITY RESPONSIBILITY

Employees will perform services for the City of Minot which may require the disclosure of Confidential Information to the Employee. The Employee will hold the Confidential Information received from the City of Minot in strict confidence and shall exercise a reasonable degree of care to prevent disclosure to others. The Employee will not disclose or divulge either directly or indirectly the Confidential Information to others unless first authorized to do so by their Supervisor.

City of Minot

CONTACT US

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hr@minotnd.gov

CHIEF'S MESSAGE

The Minot Police Department will engage the citizens and visitors in the City of Minot with respect and provide professional police service to all. Police officers have a challenging role in the community and the standards of conduct reflect the importance of fairness, sound judgment, and unfaltering integrity. This policy manual will act as a guide for officers while they perform their duties as well as how they conduct themselves while off-duty. Given the ever-changing world in which we live and work, there is no way to write a policy to cover the exact circumstances an officer must deal with. Therefore, it is important to use their training, education, experiences, and knowledge and rely on the resources and supervisors to guide them. As police officers we are the face of our community and the badge and patch should be worn with pride and be a symbol of peace and safety to our citizens. Our community members should be equally as proud of what our badge and patch represent.

Employees shall serve with the following in mind: Honor - Dedication - Integrity - Community

Stay Safe,

Chief John Klug

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LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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MISSION STATEMENT

The Minot Police Department will provide excellent police services to the citizens and guests of the City of Minot. We will strive to reduce and prevent crime, to instill a sense of safety and security, and to work in partnership with our community to preserve a high quality of life. We will use our training and resources along with our values of honor, integrity and trustworthiness to serve our citizens. Our goal is to make Minot a better place for all to live through our commitment to our profession.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Minot Police Department to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

Licensed members of the Minot Police Department are authorized to exercise the authority of peace officers and to make arrests as authorized by law or as expanded by a joint powers agreement with another jurisdiction (N.D.C.C. § 11-15-03; N.D.C.C. § 40-20-05; N.D.C.C. § 44-08-20).

100.2.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE MINOT POLICE DEPARTMENT

The arrest authority of officers outside the jurisdiction of the Minot Police Department includes:

(a) While continuing beyond the 1½-mile jurisdictional boundaries of the City when in hot pursuit and if obtaining the aid of law enforcement officers who have jurisdiction would cause a delay that could permit escape (N.D.C.C. § 40-20-05).

(b) While transporting an individual who is under arrest or being detained for a mental illness or a substance use disorder under chapter N.D.C.C. § 25-03.1-01 et seq. (2023 ND SB 2286, Section 3).

An officer should, as soon as practicable after making the arrest, notify the agency having jurisdiction where the arrest was made.

100.2.2 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE MINOT POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Minot Police Department includes:

(a) In compliance with an arrest warrant (N.D.C.C. § 29-06-02).

(b) Without a warrant for the following (N.D.C.C. § 29-06-15):

1. For a public offense committed or attempted in the officer's presence.
2. When the person arrested has committed a felony, although not in the officer's presence.
3. When a felony in fact has been committed and the officer has probable cause to believe the person arrested has committed it.
4. For the public offenses not classified as felonies and not committed in the officer's presence as provided for under N.D.C.C. § 29-06-15.1.
5. On a charge, made upon probable cause, of DUI.
6. For violating a protection or restraining order or an order prohibiting contact (N.D.C.C. § 12.1-31.2-02; N.D.C.C. § 12.1-31-01.2; N.D.C.C. § 14-07.1-11).

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7. On a charge, made upon probable cause, of being under the influence of volatile chemical vapors in violation of N.D.C.C. § 19-03.1-22.1.

100.2.3 GRANTING AUTHORITY TO OTHERS

An officer making an arrest may summon the aid of any persons the officer deems necessary to aid in the arrest (N.D.C.C. § 29-06-03).

100.3 INTERSTATE PEACE OFFICER POWERS

Peace officer authority may be extended within other states:

(a) As applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state and North Dakota law (N.D.C.C. § 54-40.3-04).

(b) When an officer enters Minnesota in fresh pursuit of a felony subject (Minn. Stat. § 626.65; Minn. Stat. § 626.71).

(c) When an officer enters Montana or South Dakota in fresh pursuit of a subject who committed any offense (§ 46-6-411, MCA; S.D.C.L. § 23A-3-9; S.D.C.L. § 23A-3-10).

Whenever an officer makes an arrest in another state, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (Minn. Stat. § 626.66; § 46-6-411, MCA; S.D.C.L. § 23A-3-12).

100.4 CONSTITUTIONAL REQUIREMENTS

All employees shall observe and comply with every person’s clearly established rights under the United States and North Dakota constitutions.

100.5 POLICY

It is the policy of the Minot Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

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Chief Executive Officer

101.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of North Dakota are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Minot Police Department, who is required to exercise the powers and duties of the office as prescribed by state law.

101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

The Chief Executive Officer shall, as a condition of appointment, meet the required prerequisites, have successfully completed the course of training and examinations prescribed by the Peace Officer Standards and Training Board (POST) and be licensed by POST (N.D.C.C. § 12-63-02; N.D.C.C. § 12-63-09).

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Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

102.2 POLICY

It is the policy of the Minot Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their position (N.D.C.C. § 40-13-03; N.D.C.C. § 44-01-05; N.D.C.C. § 44-02-01(6); N.D. Const. art. XI, § 4; N.D.A.C. § 109-02-05-02).

In addition, all members shall acknowledge the department's code of ethics and their responsibility to adhere to it. Members who are peace officers shall also take an oath to adhere to the peace officer's code of conduct and to not betray the trust of a fellow peace officer or the public (N.D.A.C. § 109-02-05-02).

The form of oath should be as follows:

"I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States and the Constitution of the State of North Dakota; and that I will faithfully discharge the duties of the office of _____ according to the best of my ability, so help me God (if an oath), under pains and penalties of perjury (if an affirmation)."

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (N.D.C.C. § 40-13-03; N.D.C.C. § 44-05-04).

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Minot Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Minot Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Minot Police Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older (N.D.C.C. § 14-10-02).

BCI - Bureau of Criminal Investigation.

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City - The City of Minot.

CFR - Code of Federal Regulations.

Civilian - Employees and volunteers who are not licensed peace officers.

CJIS - North Dakota Criminal Justice Information Sharing.

Department/MPD - The Minot Police Department.

Employee - Any person employed by the Department.

Manual - The Minot Police Department Policy Manual.

May - Indicates a permissive, discretionary, or conditional action.

Member - Any person employed or appointed by the Minot Police Department, including:

- Full or part-time employees
- Licensed peace officers
- Reserve, auxiliary officers
- Civilian employees
- Volunteers

NDDOT - North Dakota Department of Transportation.

NDHP - North Dakota Highway Patrol.

Officer - Those employees, regardless of rank, who are licensed peace officers of the Minot Police Department.

On-duty - A member's status during the period when the member is actually engaged in the performance of the member's assigned duties.

Order - A written or verbal instruction issued by a superior.

Peace officer or law enforcement officer - A sheriff, sheriff's deputy, coroner, marshal, or police officer of a township, city or any state, or federal law enforcement officer authorized to enforce the law and to conduct or engage in investigations or prosecutions (N.D.C.C. § 12-63-01; N.D.C.C. § 12.1-01-04; N.D.C.C. § 29-05-10).

Rank - The title of the classification held by an officer.

N.D.C.C. - North Dakota Century Code.

N.D.A.C. - North Dakota Administrative Code.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

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Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other department members, directing the work of other members, or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Department is designed to create an efficient means to accomplish the mission and goals and to provide for the best possible service to the public.

200.2 SECTION TITLE

200.3 DIVISIONS

The Chief of Police is responsible for administering and managing the Minot Police Department. There are three divisions in the Police Department:

- Administration Division
- Patrol Operations Division
- Investigations Division

200.3.1 ADMINISTRATION DIVISION

The Administration Division is commanded by the assigned Captain.

The Captain of Administration shall:

(a) Direct and participate in the operation of the Administration; meet regularly with the Chief of Police to discuss division issues; work with other divisions to coordinate department activities; conduct meetings with subordinate personnel.

(b) Aid, direct, participate in the training of City of Minot police officers and aid other city departments or outside agencies in training programs as required.

(c) Be responsible for administrative scheduling.

(d) Prepare specifications, collect quotes on equipment, and oversee issuing of uniforms and other police equipment.

(e) Prepare various periodic and special reports.

(f) Assist in the selection process for promotions, hiring, and divisional transfers.

(g) Assist in field operations during emergencies or as directed by the Chief of Police or his designee.

(h)

(i) Be responsible for the Community Outreach Division.

(j)

(k)

(l) Be responsible for the Municipal Court department working closely with the Clerk of Municipal Court.

(m) Be responsible for the Records Division of the Minot Police Department.

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(n) Perform related work as required

200.3.2 PATROL OPERATIONS DIVISION

The Patrol Operations Division is commanded by the assigned Captain.

The Captain of Patrol Operations shall:

(a) Plan, organize, coordinate, and direct the activities of the Patrol Division; meet regularly with the Police Chief to discuss division issues; work with other divisions to coordinate department activities; conduct meetings with subordinate personnel.

(b) Monitor shift activities, schedules, and shift operations; ensure compliance with rules, regulations, policies, and procedures; monitor progress of assigned work; determine manpower needs for the division; review case reports and make decisions on actions to be taken.

(c) Prepare and review goals, objectives, and policies of the division; review reports and operations; ensure the application of effective law enforcement practices and procedures.

(d) Prepare and submit division budget; projects division needs; assess impact of budgetary changes, and monitor expenditures.

(e) Plan, prioritize, assign and evaluate the work of employees in the police department; make recommendations on disciplinary actions; review performance evaluations of all division personnel; and counsel subordinates.

(f) Cooperate with local, state and federal law enforcement agencies in the apprehension and detention of wanted persons and with other city departments where police activities are concerned.

(g) Investigate and respond to civilian complaints; ensure responsive community relations within the division; and make presentations to community groups to gain support for police activities.

(h) Assure proper police and safety standards are maintained; assure work of department is carried out properly and effectively.

(i) Prepare monthly statistical reports, summaries, and correspondence related to work.

(j) Prepare and submit federal grant proposals; monitor grants and appropriate expenditures.

(k) Be responsible for Minot Central Dispatch.

(l) May oversee department operations in the absence of the Police Chief.

(m) Perform other related work as assigned.

(n)

(o)

200.3.3 INVESTIGATIONS DIVISION

The Investigations Division is commanded by the assigned Captain.

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The Captain of Investigations shall:

(a) Direct, coordinate, organize, and plan the operation of the Investigations Division.

(b) Prepare and review goals, objectives, and policies of the division. Assure proper policy and safety standards are maintained, and work is carried out.

(c) Determine training needs of division personnel.

(d) Be responsible for division's budget, monitor expenditures, prepare specifications, collect quotes, and place orders for equipment.

(e) Prepare periodic and special reports, respond to citizen complaints, and make presentations to community.

(f) Assist with department operations in absence of Police Chief.

(g) Be responsible for the Minot Police Department Officers assigned to the Ward County Narcotics Task Force.

(h)

(i) Perform related work as required.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a Division Commander to serve as the acting Chief of Police.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

(a) Captains in order of unit number (seniority).

(b) Lieutenants in the order of unit number (seniority).

(c)

(d)

200.4.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.4.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with lawful orders of superior officers and other proper authority.

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200.4.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law or local ordinance. Following an unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify the person issuing the original order, indicating the action taken and the reason.

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Departmental Directives

201.1 PURPOSE AND SCOPE

Departmental Directives establish interdepartmental communication that may be used by the Chief of Police to make immediate changes topolicy and procedure. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 DEPARTMENTAL DIRECTIVES PROTOCOL

Departmental Directives will be incorporated into the manual, as required, upon staff approval. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

Departmental Directives issued prior to the publication date of this manual have been incorporated into this manual or are no longer in effect.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number “01.” For example, 13-01 signifies the first Departmental Directive for the year 2013.

Temporary Departmental Directives that become inoperative with the passing of the incident or period for which they are written, and are not intended for, nor will they be included in the manual, should be tracked and acknowledged in a manner similar to policy revisions.

201.1.2 SPECIAL ORDERS PROTOCOL

Special Orders establish a temporary policy or procedure on a given subject for a specific length of time. Special Orders are issued to the organization as a whole, to a division, to a unit or to an individual. Special Orders become inoperative with the passing of the incident or situation that caused the order to be issued.

201.2 RESPONSIBILITIES

201.2.1 STAFF

The command staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

201.2.2 CHIEF OF POLICE

The Chief of Police or the authorized designee shall issue all Departmental Directives.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVE

All employees are required to read and obtain necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Administrative Commander.

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Emergency Operations Plan

202.1 PURPOSE AND SCOPE

The City has prepared an Emergency Operations Plan for use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

The City Emergency Operations Plan complies with the State of North Dakota Emergency Operations Plan (N.D.C.C. § 37-17.1-07(5)). This plan provides guidance for City emergency operations within its borders and outside its borders as may be required.

202.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Minot Police Department, the Chief of Police or the highest ranking official on duty may activate the Emergency Operations Plan in response to a major emergency.

Upon activation of the plan, the emergency manager or the authorized designee should contact the North Dakota Department of Emergency Services (NDDES) to assist with mutual aid response from local, state and federal law enforcement agencies to provide requested resources to this department.

202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Minot Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

202.3 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the City Emergency Operations Plan are available in Administration Division and the Patrol Supervisor's office. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles personnel will play when the plan is implemented.

Additional information regarding the State Emergency Operations Plan (SEOP) and regional coordination can be found on the NDDES website.

202.4 PLAN REVIEW

The Chief of Police or the authorized designee shall review the Emergency Operations Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS), and appropriately address any needed revisions.

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202.5 WIDE AREA SEARCH AND RESCUE

The Chief of Police is responsible for wide area search and rescue activities. Wide area search and rescue operations must be in compliance with state and local emergency operations plans including the use of the incident command system. The Chief of Police may restrict access to the specific search and rescue area to authorized personnel (N.D.C.C. § 37-17.1-28).

202.6 TRAINING

The Department should provide annual training in the City Emergency Operations Plan for all supervisors and other appropriate personnel. Training should incorporate a full or partial exercise, tabletop or command discussion.

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Training

203.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

203.2 POLICY

The Department shall administer a training program that, at a minimum, will meet the standards of federal, state, local, and the North Dakota POST Board training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

203.3 OBJECTIVES

The objectives of the training program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of department personnel.

(c) Provide for continued professional development of department personnel.

(d) Assist in compliance with statutory requirements.

203.4 TRAINING PLAN

It is the responsibility of the Administrative Commander to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and department-required training is completed by all employees. The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Administrative Commander shall review the entire training plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required, minimum-mandated training of licensed officers or civilian employees.

Training listed may be provided in basic training programs. The Administrative Commander is responsible for ensuring members of the Department have been trained as required.

203.4.1 MANDATED TRAINING

(a) Federally mandated training:

1. National Incident Management System (NIMS) training (once depending upon position and rank).

(b) State-mandated training:

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1. Licensed members of the Department shall complete no less than 60 hours of POST-certified and/or POST-approved training every three years (N.D.A.C. § 109-02-02-15 et seq.).

203.4.2 DEPARTMENT TRAINING REQUIREMENTS
Training requirements include, but are not limited to the following:

(a) Emergency Operations Plan (all supervisors yearly)

(b) CPR/first-aid refresher (every two years)

(c) Pursuit Driving (all licensed employees yearly)

(d) Required Firearms qualifications (winter,night and annual qualifications)

(e) Defense tactics (all licensed employees yearly)

(f) TASER device (all licensed employees yearly)

(g) impact weapons, chemical weapons or other control devices

(h) Use of force policies (all licensed employees yearly)

(i) Search, seizure and arrest (all licensed employees yearly)

(j) Ethics (all licensed employees every three years)

(k) Use of Body Armor upon issuance of new armor.

203.5 TRAINING NEEDS ASSESSMENT

The Administrative Commander will conduct an annual training needs assessment and complete a report of the training needs, including recommendations from the Training Committee. The training needs assessment report will be provided to the Chief of Police and staff. Upon review and approval by the Chief of Police, the needs assessment will form the basis for the training plan for the following fiscal year.

203.6 TRAINING COMMITTEE

The Administrative Commander may establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee may be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Administrative Commander may remove or replace members of the committee at his/her discretion.

The Training Committee may review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee mayreview include, but are not limited to:

(a) Any incident involving the death or serious injury of an employee.

(b) Incidents involving a high risk of death, serious injury or civil liability.

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(c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee may determine by consensus whether a training need exists and then submit written recommendations of its findings to the Administrative Commander. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Administrative Commander will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

203.7 TRAINING ATTENDANCE

(a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:

1. Court appearances.
2. Previously approved vacation or time off.
3. Illness or medical leave.
4. Physical limitations preventing the member's participation.
5. Emergency situations or department necessity. Any member who is unable to attend training as scheduled shall notify the member's supervisor as soon as practicable but no later than one hour prior to the start of training and shall: Make arrangements through the member's supervisor to attend the required training on an alternate date.

203.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Minot Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Administrative Captainor their designee.

Members assigned to participate in DTBs shall only use login credentials assigned to them by the Administrative Captain. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB

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system can be accessed from any internet active computer, members shall only take DTBs as part of their on-duty assignment, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

203.9 FIELD TRAINING PROGRAM

Purpose and General Policy

(a) The Field Training and Evaluation Program (FTEP) was established by the Minot Police Department to ensure all officers meet the demands of the community for professional police service. The attainment of highly trained police officers is the fundamental goal of the department.

(b) The Field Training Officers are responsible for providing entry-level training to the newly hired employees. It is also the FTO's responsibility to provide input to the Chief or his designee, in the form of recommendations for retention or termination of the probationary officer. The FTO's make recommendations based on observed performance and the trainee's demonstrated ability or lack thereof. These recommendations shall be immediately conveyed to the Chief or his designee.

203.9.1 RECRUIT TRAINING

The recruit officer with no prior training or law enforcement experience will complete the following minimum standards of training:

(a) In-service training in a classroom or practical setting consisting of a minimum of 280 hours..

(b) A minimum of 400 hours of training and evaluation under the guidelines set by the Field Training and Evaluation Program, completed while assigned to the patrol division, under the direct supervision of a Field Training Officer (FTO). A currently licensed peace officer may qualify abbreviated field training program as approved by the Chief of Police or their designee.

(c) Successfully complete basic police training in accordance with the North Dakota Peace Officer Standards and Training Board (POST) rules and guidelines under N.D.C.C. 12-63.

(d) A probationary period of at least one year.

The recruit officer who is currently licensed or licensable in the State of North Dakota with prior experience as a licensed officer in North Dakota or any other state:

(a) In-service training consisting of a minimum of 280 hours in a classroom or practical setting.

(b) A minimum of 240 hours of training and evaluation under the guidelines set by the Field Training and Evaluation Program, completed while assigned to the patrol division under the direct supervision of an FTO. This may be adjusted by the Chief of Police.

(c) A probationary period of at least six months.

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203.10 TRAINING RECORDS

The administrative Captain is responsible for the creation, filing, and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

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Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (e-mail) system provided by the Department. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties. It is to be used in accordance with generally accepted business practices and current law (e.g., North Dakota's open records laws). Messages transmitted over the e-mail system must only be those that involve official business activities or that contain information essential to employees for the accomplishment of tasks and/or communications directly related to the business, administration or practices of the Department.

The City of Minot Electronic Communications Policy also governs the use of email. If there are any conflicts the City of Minot policy supercedes this policy.

204.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, transmitted over the department computer network or accessed through a web browser accessing the department system are considered department records and therefore are the property of the Department. The Department reserves the right to access, audit and disclose for any lawful reason, any message, including any attachment that is transmitted or received over its email system or that is stored on any department system.

The email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the email system is not appropriate for confidential or personal communications. If a communication must be private, an alternative method to communicate the message should be used instead of email. Employees using the department email system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department. The use of any computer, Internet service, telephone service or other wireless service to send or receive information that may be related to public business may be subject to review or disclosure.

204.3 PROHIBITED USE OF E-MAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the e-mail system is prohibited and may result in discipline.

E-mail messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. Users are reminded that all e-mail is subject to review and scrutiny with regard to appropriate content or violation of any prohibitions. In the event that a user has questions about sending a particular e-mail communication, the user should

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seek prior approval from the Chief of Police or a Division Commander. Personal advertisements or announcements are not permitted without prior permission from the Chief of Police.

It is a violation of this policy to transmit a message under another user's name or e-mail address or to use the password of another to log into the system. Users are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an individual's e-mail, name and/or password by others.

204.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a record under North Dakota’s open records laws and must be managed in accordance with the established records retention schedule and in compliance with state law (N.D.C.C. § 44-04-18 et seq.).

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

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Administrative Communications

205.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

205.2 DEPARTMENT E-MAILS

Memorandums may be issued periodically by the Chief of Police or the authorized designee to announce and document all promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations or other changes in status.

205.3 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or the authorized designee.

205.4 OTHER COMMUNICATIONS

Departmental Directives and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or the authorized designee.

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Supervision Staffing Levels

206.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available to meet the operational requirements of all shifts. The Department intends to balance the needs of the employee against its duty and inherent managerial right to flexibility and discretion in assigning personnel to meet operational needs. While balance is desirable, the paramount concern is to meet the operational requirements of the Department.

206.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one regular supervisor on-duty. Patrol Supervisors will ensure that at least one field supervisor is deployed during each shift, in addition to the Patrol Supervisor. In the absence of a second supervisor, the Patrol Supervisor may assign a Master Officer or Senior Officer when possible to act as the field supervisor.

206.2.1 SUPERVISION DEPLOYMENTS

In the absence of an available Sergeant a Master Officer or an officer may be used as a field supervisor in place of a field sergeant.

A Master Officer or an officer may act as the Patrol Supervisor for a limited period of time such as covering lunch breaks etc..., but at all times there should be either a Lieutenant or Sergeant who is working and in charge of the patrol shift.

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Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Minot Police Department identification cards under the Law Enforcement Officer Safety Act (LEOSA) and North Dakota law (18 USC § 926C).

207.2 POLICY

It is the policy of the Minot Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

207.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

207.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Minot Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

207.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by North Dakota law or by a private person or entity on his/her property if such prohibition is permitted by North Dakota law.

207.4 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Patrol Supervisor of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

207.4.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable department policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

207.5 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

207.6 FIREARM QUALIFICATIONS

The Lead Weapons Instructor may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Lead Weapons Instructor will maintain a record of the qualifications and weapons used.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Minot Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

An officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

An officer may use reasonable force to effect an arrest if, after notice of intention to arrest the person, the person either flees or forcibly resists (N.D.C.C. § 29-06-13).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(a) Immediacy and severity of the threat to officers or others.

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(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of suspected drug or alcohol use.

(e) The individual's mental state or capacity.

(f) The individual's ability to understand and comply with officer commands.

(g) Proximity of weapons or dangerous improvised devices.

(h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

(i) The availability of other reasonable and feasible options and their possible effectiveness.

(j) Seriousness of the suspected offense or reason for contact with the individual.

(k) Training and experience of the officer.

(l) Potential for injury to officers, suspects, and others.

(m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

(n) The risk and reasonably foreseeable consequences of escape.

(o) The apparent need for immediate control of the individual or a prompt resolution of the situation.

(p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(q) Prior contacts with the individual or awareness of any propensity for violence.

(r) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

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The Minot Police Department uses the PPCT, the SPEAR System and the Krav Maga methods of force on force tactics . it is the goal for every officerto be trained in PPCT, SPEAR and/or Krav Maga and required to pass a practical test. Force on force tactics techniques used by the Minot Police Department are carefully chosen by their effectiveness and lower risk of injury to the subject and officer. Refresher courses in force on force tactics are offered to every officer.

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Minot Police Department for this specific purpose.

300.3.5 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

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300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of the conducted energy device or control device.

(f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically

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assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated if necessary.

(c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(d) Ensure that any and all witnesses have been properly identified and documented..

(e) Determine if there is any indication that the subject may pursue civil litigation. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim to their Division Commander.

(f) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the Shift Commander is still expected to complete as many of the above items as circumstances permit.

300.7.1 PATROL SUPERVISOR RESPONSIBILITY
The Patrol Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

(a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

(b) De-escalation tactics, including alternatives to force.

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Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Minot Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

301.2 POLICY

The Minot Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or serious bodily injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in serious bodily injury or death to another.

The Use of Force Review Board will also review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training, recreational use or used to dispatch an injured animal.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Professional Standards Lieutenant will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved employee to notify the Professional Standards Lieutenant of any incidents requiring board review. The Professional Standards Lieutenant will ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Professional Standards Lieutenant may select up to five Use of Force Review Board members representing a cross section of the department to include subject matter experts, supervisors, peers and may include representatives from other agencies.

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Use of Force Review Boards

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, applicable state or federal law and proper application of Garrity rights.

The board shall make one of the following recommended findings:

(a) The employee's actions were within department policy and procedure.

(b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

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Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The Minot Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Minot Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

(a) The circumstances or crime leading to the arrest.

(b) The demeanor and behavior of the arrested person.

(c) The age and health of the person.

(d) Whether the person is known to be pregnant.

(e) Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.

(f) Whether the person has any other apparent disability.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

302.3.3 RESTRAINT OF JUVENILES

A juvenile who is known or appears to be under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

302.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

302.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance

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during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid commingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

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(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

302.9 TRAINING

Subject to available resources, the Administrative Captain should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

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(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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Control Devices and Techniques

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Minot Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

303.4 RESPONSIBILITIES

303.4.1 PATROL SUPERVISOR RESPONSIBILITIES

The Patrol Supervisor may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

303.4.2 INSTRUCTOR RESPONSIBILITIES

The appropriate instructor shall control the inventory and issuance of control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the appropriate instructor the designated instructor for a particular control device. The inspection shall be documented.

303.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the instructorfor disposition.

303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Incident Commander or SWAT Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in, violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

303.7.1 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner’s expense. Information regarding the method of notice and the individuals notified should be included in related reports.

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

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Control Devices and Techniques

303.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject’s clothing.

(d) The subject’s proximity to others.

(e) The location of the subject.

(f) Whether the subject’s actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer’s recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the

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officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

303.9.3 SAFETY PROCEDURES
Officers will inspect the launcher and projectiles to ensure that the launcher is in proper working order and the projectiles are of the approved type and appear to be free from defects.

303.10 TRAINING

The Administrative Captain shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the officer's training file.

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

303.11 REPORTING

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

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Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER (TM)s.

304.2 POLICY

The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued and carry the TASER device.

Officers shall only use the TASER device and cartridges that have been issued by the Department.officers who have been issued the TASER device shall wear the device in an approved holster on their duty belt or external vest carrier on their "weak" side, opposite their duty weapon. Wearing of the device on the external vest carrier will be restricted to special teams.

Members carrying the TASER device should perform a periodic spark test on the unit in accordance with training on the beginning of their work week cycle.

(a) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.

(b) Officers shall not hold both a firearm and the TASER device at the same time.

304.4 USE OF THE TASER DEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

304.4.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

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304.4.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

The TASER device shall not be used to psychologically torment, elicit statements or to punish any individual.

304.4.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the C.E.D. probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

304.4.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, including:

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(a) Whether the probes are making proper contact.

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

304.4.5 ACTIONS FOLLOWING DEPLOYMENTS
Officers shall notify a supervisor of all TASER device discharges.

304.4.6 DANGEROUS ANIMALS
The Taser device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

304.5 DOCUMENTATION

Officers shall document all TASER device discharges in the related arrest/crime report and in accordance with the Use of Force report form. Unintentional discharges will be documented. Officers shall dock their Taser battery as soon as reasonably possible after a discharge of their Taser, except for routine testing and training. Uploaded firing information will be labeled with associated incident information. Unintentional discharges will be documented in writing to the Office of Professional Standards.

304.5.1 REPORTS
The officer should include the following in the arrest/crime report:

(a) Identification of all personnel firing TASER devices

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject’s physical and physiological actions

(e) Any known or suspected drug use, intoxication or other medical problems

304.6 MEDICAL TREATMENT

Officers will use protective gloves when removing probes. Only appropriate medical personnel should remove TASER device probes from a person’s body if they are in a sensitive area. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

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(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

304.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to all incidents where the TASER device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The supervisor shall ensure that the officer has uploaded the firing data to evidence via docking their battery prior to concluding their shift..

304.8 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the TASER device as a part of their assignment for a period of twelve months or more shall be re-certified by a department-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Chief or their designee. All training and proficiency for TASER devices will be documented in the officer's training file.

Command staff, supervisors and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Administrative Captain is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training.

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Conducted Energy Device

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

The Administrative Captain should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.

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Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

305.2 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

305.3 CONTROL OF INVESTIGATIONS

The Chief of Police may request ND BCI or another outside agency to conduct the criminal investigation of officer-involved shootings and deaths. This may include providing any assistance requested by the outside agency.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.3.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Minot Police Department would control the investigation if the suspect's crime occurred in Minot.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

305.3.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

When an officer from this department is involved, the criminal investigation will be handled according to this policy. The normal protocol will be for the Chief of Police or his designee to request ND BCI or another outside agency to conduct the criminal investigation of the officer(s) actions.

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Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

305.3.3 ADMINISTRATIVE INVESTIGATION

Regardless of where the incident occurs, the administrative investigation of each involved officer is controlled by the respective employing agency.

305.4 INVESTIGATION PROCESS

The following procedures are guidelines used in the response and investigation of an officer-involved shooting or death.

305.4.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved MPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Department or other agencies as needed.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

305.4.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved MPD supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any MPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available public safety information to the Patrol Supervisor and Minot Central Dispatch. If feasible, sensitive information should be communicated over secure networks.

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(d) Take command of and secure the incident scene with additional MPD members until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

(a) Each involved MPD officer should be given an administrative order not to discuss the incident with other involved officers or MPD members pending further direction from a supervisor.

(b) When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is transported by other officers.

(c) ensure that the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints is preserved until investigators or crime scene response personnel can properly retrieve it.

305.4.3 PATROL SUPERVISOR RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Patrol Supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

305.4.4 NOTIFICATIONS

The following persons may be notified as soon as practicable:

- Chief of Police
- Investigations Division Commander
- Outside agency investigators (if appropriate)
- Patrol Division Commander
- Psychological/peer support personnel
- Coroner (if necessary)
- Officer representative (if requested)
- Public Information Officer
- Office of Professional Standards

All outside inquiries about the incident shall be directed to the Patrol Supervisor or Department Public Information Officer.

305.4.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

(a) Any request for legal representation will be accommodated.

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1. Involved MPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
2. Requests from involved non-MPD officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) A licensed psychotherapist shall be provided by the Department to each involved MPD officer. A licensed psychotherapist may also be provided to any other affected MPD members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.
2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved MPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Patrol Supervisor to make schedule adjustments to accommodate such leave.

305.5 CRIMINAL INVESTIGATION

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) MPD Command Staff personnel should not participate directly in any voluntary interview of MPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer’s statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

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(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.5.1 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect’s known family and associates to obtain any available and untainted background information about the suspect’s activities and state of mind prior to the incident.

305.5.2 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the Investigations Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators may be assigned to separately handle the investigation of any related crimes not being investigated by the outside agency.

305.5.3 REPORTS BY INVOLVED MPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved MPD officers to provide sufficient

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information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved MPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/ witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved MPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved MPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Office of Professional Standards and will be considered a confidential officer personnel file until completion.

Interviews of members shall be subject to department policies and applicable laws.

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood and/or urine sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

    1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

    1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.

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2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Office of Professional Standards shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.7 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

305.8 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/ Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing supplemental reports. Officers should articulate any discrepancies between their perceptions and recollections and what appears on video.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

305.9 DEBRIEFING

Following an officer-involved shooting or death, the Minot Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

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305.9.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

305.9.2 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order (N.D.C.C. § 44-04-18.1(5)).

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and internal affairspersonnel.

305.10 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation.

No involved MPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

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Firearms

306.1 PURPOSE AND SCOPE

This policy establishes procedures for the aquisition, use, and documentation of training in the use of duty firearms. The Chief of Police or the authorized designeee shall approve all duty firearms before they are acquired and utilized by any member of this department.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

306.1.1 AUTHORIZATION TO CARRY FIREARMS

Members of this department who meet all state and North Dakota Peace Officer Standards and Training Board (POST) requirements shall have law enforcement privileges to carry firearms and other weapons pursuant to state laws (N.D.C.C. § 62.1-02; N.D.C.C. § 62.1-03-01(2)(f); N.D.C.C. § 62.1-04-02; N.D.C.C. § 62.1-05-02(3)).

306.2 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Both duty and off-duty firearms, carried under authority of a Minot Police Officer, will be approved by the Chief of Police or his designee and will be qualified by a department Firearms Instructor.Officers are required to turn in their department issued firearms to the department armorer(s) for an annual inspection. Additional inspections and/or maintenance may be required by the department.Officers are responsible for the overall maintenance of their firearms. The inspections of personally owned off-duty firearms are the officer's responsibility. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who is on-duty who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the Chief of Police. This exclusion does not apply to the carrying of a single folding pocket knife that is not otherwise prohibited by law.Only issued or approved shotguns and rifles are authorized for on-duty use.

306.2.1 HANDGUNS

The authorized department-issued handgun is the Sig Sauer P320 9mm. It is available in three sizes, full, compact and sub-compact.

306.2.2 PERSONALLY OWNED OFF-DUTY FIREARMS

Personally owned off-duty handguns carried under Minot Police Department authority are subject to the following restrictions:

(a) The firearm shall be in good working order.

(b) The firearm shall be 9mm caliber.

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(c) The firearm shall be inspected by the Lead Weapons Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(d) The member shall successfully qualify with the weapon prior to it being carried.

(e) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Lead Weapons Instructor, who will maintain a list of the information.

(f) Members shall only carry department issued duty ammunition.

(g) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.

(h) When armed, officers shall carry their badges and Minot Police Department identification.

(i) With permission from the Chief of Police, carrying Personally Owned firearms on-duty may be permitted under certain circumstances (i.e. Task Force or Detective plain-clothes operations).

306.2.3 DEPARTMENT ISSUED FIREARMS CARRIED WHILE OFF-DUTY

The carrying of Department issued firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a Department issued firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

(a) The member will successfully qualify with the firearm prior to it being carried.

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(c) Members shall only carry department-issued duty ammunition.

(d) When armed, officers shall carry their badges and Minot Police Department identification cards under circumstances requiring possession of such identification.

306.2.4 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's annual firearms qualification. Members who carry a department-authorized personally-owned handgun while off-duty will carry department issued ammunition. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms Instructor when needed, in accordance with established procedure.

306.3 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

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306.3.1 REPAIRS OR MODIFICATIONS
Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or a Weapons Instructor.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Lead Weapons Instructor.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Lead Weapons Instructor.

306.3.2 HOLSTERS
Only department-approved holsters shall be used and worn by members while on-duty. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

306.3.3 TACTICAL LIGHTS
Only Tactical lights which have been approved by the Lead Weapons Instructor may be installed on a department approved firearm.

306.3.4 OPTICS OR LASER SIGHTS
Optics or laser sights may be installed on a department issued firearm only after approval of the Lead Weapons Instructor.

306.4 SAFE HANDLING, INSPECTION AND STORAGE
Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Weapons Instructor. Members shall not dry fire or practice quick draws while on-duty except as instructed by the Weapons Instructor or other firearms training staff.

(c) Members are encouraged to utilize clearing barrels whenever possible whencleaning, repairing, loading or unloading a firearm anywhere in the Department.

(d) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked.

(e) Officers shall follow the rules of the jail regarding the securing of weapons.

(f) Any firearm authorized by the Department to be carried that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to a supervisor or a Weapons Instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the supervisor or Weapons Instructor will be immediately removed from service. If

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the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.4.1 WEAPONS EXAMINATION

Handguns shall be examined regularly and upon access or possession by another person. Shotguns and rifles shall be examined at the beginning of the shift by the member to whom the weapon is issued. The member shall insure that the firearm is carried in the proper condition and loaded with approved ammunition. Examination of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Department-owned firearms shall be stored in the appropriate equipment storage room or locker when not in service. Handguns may remain loaded if they are secured. Shotguns and rifles shall be unloaded when not in usein a safe manner outside the building and then stored in the appropriate equipment storage room.

306.4.2 STORAGE AT HOME

Members shall insure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in death, injury and civil liability.

306.4.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

306.5 SIDEARM TRAINING AND QUALIFICATIONS

Annually, every officer shall successfully complete a sidearmqualification program in accordance with North Dakota POST rules unless waived by POST (N.D.A.C. 109-02-3-4, N.D.A.C. 109-02-03-06).

The Lead Weapons Instructor shall keep accurate records of qualifications and training as directed by the Administrative Commander.

At least once annually, all personnel carrying a duty sidearm will receive training on the Use of Force policy and demonstrate their knowledge and understanding of the policy.

All personnel carrying a duty sidearm are required to qualify three times per year and show firearms proficiency with their on-duty sidearm on an approved range course or as directed by the Administrative Commander.Officers shall qualify annually with their off-duty handguns.

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306.5.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for sidearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall notify the Lead Weapons Instructor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify shall be provided remedial training and will be subject to the following requirements:

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent sidearm proficiency.

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) A failure to qualify for reasons other than proficiency, including any malfunction of sidearm, ammunition or otherwise, is not considered a failed attempt at qualification.

(d) No range credit will be given for the following:

  (a) Unauthorized range make-up

  (b) Failure to meet minimum standards or qualify after remedial training

Members who fail to demonstrate duty sidearms proficiency as required by policy, or who fail to meet POST qualification requirements, may not carry a sidearm in the course of employment and will be relieved from field assignment (N.D.A.C. § 109-02-03-01). Disciplinary action may follow.

See also the PATROL RIFLE policy for requirements concerning the Patrol Rifle.

306.6 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or a recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.6.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

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In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER (TM), oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

306.6.2 INJURED ANIMALS
With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

306.6.3 WARNING AND OTHER SHOTS
Generally, warning shots or shots fired for the purpose of summoning aid are prohibited.

306.7 WEAPONS INSTRUCTOR DUTIES

The range will be under the exclusive control of the Weapons Instructor. All members attending will follow the directions of the Weapons Instructor. The Weapons Instructor will maintain a roster of all members attending the range and will submit the roster to the Lead Weapons Instructor after each range date. Failure of any member to check in with the Firearms Instructor may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by the Ward County Law Enforcement Range Board.

The Lead Weapons Instructor has the responsibility of insuring that a periodic inspection, at least once a year, of all duty sidearms carried by members of this department to verify proper operation. The Lead Weapons Instructor has the authority to deem any department-issued or personally owned sidearm unfit for service. The member will be responsible for all repairs to his/her personal sidearm; it will not be returned to service until it has been inspected by an armorer and the inspection has been approved by the Lead Weapons Instructor.

The Lead Weapons Instructor has the responsibility for insuring each member meets at least the minimum firearm qualification requirements.

The Lead Weapons Instructor shall complete and submit to the Administration Division documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training or qualification. The Lead Weapons Instructor should keep accurate records of all training shoots, qualifications, repairs, maintenance or other firearms related records as directed by the Administration Division.

The Lead Weapons Instructor shall forward documentation of licensed department personnel duty sidearm qualifications to POST as required by state law (N.D.A.C. § 109-02-03-07(3)).

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306.8 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

(b) Officers must carry their Minot Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., drivers license, passport).

(c) The Minot Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Minot Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

(j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

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306.9 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) The officer shall carry his/her Minot Police Department identification card whenever carrying such firearm.

(b) The officer is not the subject of any current disciplinary action.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

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Vehicle Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, fleeing violators and property.

307.1.1 POLICY

This department's response to those who unlawfully flee from law enforcement action shall stress a common sense balance between the importance of apprehending offenders and the high risk nature of vehicle pursuits.

307.2 DEFINITIONS

Definitions related to this policy include:

Vehicle pursuit - An event involving one or more peace officers attempting to apprehend a suspect who is trying to avoid arrest while operating a vehicle by using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, red lights, and/or driving off a roadway.

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit, or the continuation of a pursuit. Blocking is not a moving or stationary road block.

Boxing in - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle.

Tire deflation device, spikes or tack strips - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

307.3 OFFICER RESPONSIBILITIES

A vehicle pursuit shall be conducted using an authorized emergency vehicle that is equipped with and using as reasonably necessary a flashing red or a combination of red and blue, red and white, or red, white and blue lights and an audible signal by siren or airhorn (N.D.C.C. 39-10-03(2)).

The driver of a class A authorized vehicle may:

- Proceed past a red light, stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit so long as the officer does not endanger life or property.

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- Disregard regulations governing direction of movement or turning in specified directions so long as the officer does not endanger life or property.

Officers shall drive with due regard for the safety of all persons.

The primary officer will vigorously investigate and seek prosecution for any incidents in which a motorist flees regardless of whether the pursuit is intitiated or terminated in an effort to deter this type of criminal behavior in the motoring public.

307.3.1 WHEN TO INITIATE A PURSUIT

An officer may initiate or engage in a pursuit if the violation is one that endangers others, or the officer has a reason to believe that the operator or occupants have committed or are committing a felony offense, or other criminal offense involving violence or injury.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include:

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

(c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).

(d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

(f) The pursuing officer's familiarity with the area of the pursuit, the quality of radio communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

(h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) The availability of other resources, such as aircraft assistance.

(l) The police unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with a prisoner or ride-along in the pursuit vehicle.

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307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risk of continuing the pursuit reasonably appears to outweigh the risk resulting from the suspect's escape.

The above factors on when to initiate a pursuit are will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. The term "terminate" shall be construed to mean to discontinue or to stop chasing the fleeing vehicle.A pursuit is terminated when the motorist stops, or when the attempt to apprehend is discontinued by the officer. An officer is deemed to be no longer attempting to apprehend the motorist when the officer deactivates the emergency lights and siren; pulls over to the side of the road and stops (does not continue to follow the fleeing vehicle) and/or, when safe to do so, makes a 90 or 180 degree turn away from the fleeing vehicle.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:

(a) The distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance or the pursued vehicle's location is no longer definitely known.

(b) The officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive or has an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use.

(c) When directed to terminate the pursuit by a supervisor.

307.4 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor). However, the number of units involved will vary with the circumstances.

An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.

The use of non police pursuit rated vehicles should be avoided when possible and the operator shall surrender their role in the pursuit to a police pursuit rated unit as quickly as possible.

307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with a red emergency light and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws.

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307.4.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or other persons.

The primary unit should notify Minot Central Dispatch, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable, provide information which includes:

(a) The reason for the pursuit.

(b) The location and direction of travel.

(c) The speed of the fleeing vehicle.

(d) The description of the fleeing vehicle and license number, if known.

(e) The number of occupants.

(f) The identity or description of the known occupants.

(g) The weather, road and traffic conditions.

(h) The identity of other agencies involved in the pursuit.

(i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

307.4.3 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for:

(a) Immediately notifying the dispatcher of his/her entry into the pursuit.

(b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.

(c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

(d) Serving as backup to the primary unit once the subject has been stopped.

307.4.4 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

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(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Pursuing units shall exercise due caution and slow down as may be necessary for safe operation when proceeding through controlled intersections.

(c) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from an available air unit.

2. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.

3. Requesting other units to observe exits available to the suspect.

(d) Notifying the North Dakota State Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved officers.

307.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT
There should be no paralleling of the pursuit route. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road unless exigent circumstances require an emergency response.

The primary unit, secondary unit and supervisor should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor will be responsible for the following:

(a) Upon becoming aware of a pursuit, immediately notifying involved officers and Minot Central Dispatch of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

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(d) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

307.5.1 PATROL SUPERVISOR RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Patrol Supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Patrol Supervisor has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Patrol Supervisor shall review all pursuit reports for content and a copy should be forwarded to the Professional Standards Lieutenant.

307.6 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

307.6.1 DISPATCH RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Minot Central Dispatch will be responsible for:

(a) Coordinating pursuit communications of the involved units and personnel.

(b) Notifying and coordinating with other involved or affected agencies as practicable.

(c) Ensuring that a patrol supervisor is notified of the pursuit.

(d) Assigning an incident number and logging all pursuit activities.

(e) Broadcasting pursuit updates as well as other pertinent information as necessary.

(f) Query DMV, CWIS, and NCIC for license data and any warrants.

307.7 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency’s jurisdiction, the primary officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area, the risk of escape and other pertinent facts, should determine whether to request the other agency to assume the pursuit (N.D.C.C. § 40-20-05(2); N.D.C.C. § 11-15-33).

307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Minot Police Department officers will generally discontinue the pursuit when another agency has assumed the pursuit, unless continued assistance is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may,with supervisory approval,proceed to the termination point to assist in the investigation. A supervisor should coordinate with the agency managing the termination point to determine the supervisor's need to respond or otherwise assist in the investigation. The supervisor should request reports from the agency involved in the pursuit.

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Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific, and mere request does not supercede this policy

307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit.

When a request is made for this department to assist or take over a pursuit that has entered this jurisdiction, the supervisor should apply all aspects of this Pursuit Policy.

Requests for pursuit intervention may also be considered by the Patrol Supervisor, and should be carried out in accordance with this agency's policy.

The Patrol Supervisor or supervisor, after consideration of the above factors, may decline to assist in or assume the other agency's pursuit.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to peace officers from the initiating agency and other involved agencies including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

307.8 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking, ramming or roadblock procedures.

Boxing in (rolling roadblocks) are generally prohibited, unless clear exigent circumstances are present.

307.8.1 WHEN USE IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing a pursuit intervention tactic. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

307.8.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

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307.8.3 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to department policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted and where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

(b) Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the officer shall notify pursuing units and the supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.

(c) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, officers or other members of the public.

307.9 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports shall be completed to comply with local and state regulations.

(a) The primary officer and all involved officers shall complete appropriate crime/arrest reports.

(b) The primary officer shall complete a pursuit report. All other officers shall complete supplemental reports.

(c) All reports will be completed no later than the end of the officer's shift.

(d) All reports will have a copy forwarded to the Professional Standards Lieutenant for review.

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307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all licensed employees will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public at all times. Training will include a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

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Officer Response To Calls

308.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations.

308.2 RESPONSE TO CALLS

Officers responding to an emergency call shall proceed immediately. Officers shall continuously operate emergency lighting equipment and, if appropriate, sound the siren (N.D.C.C. § 39-10-03).

Responding with emergency lights and siren does not relieve the officer of the duty to drive with due regard for the safety of all persons and property and does not protect the officer from the consequences of reckless disregard for the safety of others.

Officers should only respond to a call as an emergency response when (N.D.C.C. § 39-10-03(2)):

(a) In pursuit or apprehension of a violator or suspected violator.

(b) Dispatched or otherwise in response to a reported emergency involving a possible personal injury, death or damage to property.

(c) The Chief of Police or authorized designee deems it advisable for the protection of a person or property.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

308.3 REQUESTING EMERGENCY ASSISTANCE

Officers may request emergency assistance when they reasonably believe that there is an imminent threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

Where a situation has stabilized and emergency response is not required, the requesting officer shall promptly notify Minot Central Dispatch.

308.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to a call with an emergency response. The Patrol Supervisor or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

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308.4 RESPONSIBILITIES OF THE RESPONDING OFFICER

Officers shall exercise sound judgment and care with due regard for life and property when responding to a call with an emergency response. During a call involving an emergency response officers may (N.D.C.C. § 39-10-03(1)):

(a) Disregard regulations governing parking or standing when using emergency lighting equipment.

(b) Proceed past a red light, stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

(c) Exceed any speed limits provided this does not endanger life or property.

(d) Disregard regulations governing direction of movement or turning in specified directions.

The decision to continue as an emergency response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify other responding units and/or Minot Central Dispatch. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency response is appropriate, an officer shall immediately give the location from which he/she is responding unless it is not practicable to do so.

The first officer arriving at an emergency response scene should determine whether to increase or reduce the level of the response and notify Minot Central Dispatch of his/her determination. Any subsequent change in the appropriate response level should be communicated to Minot Central Dispatch by the officer in charge of the scene unless a supervisor assumes this responsibility.

308.5 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. The dispatcher shall:

a. Attempt to assign the closest available unit to the location requiring assistance.

b. Notify and coordinate outside emergency services (e.g., fire and ambulance).

c. In the case of unusual circumstances, a dispatcher shall immediately notify the Patrol Supervisor.

d. Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated.

e. Control all radio communication during the emergency and coordinate assistance under the direction of the Patrol Supervisor or field supervisor.

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308.6 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Patrol Supervisor or the field supervisor shall determine that:

(a) the proper response has been initiated.

(b) No more than those units reasonably necessary under the circumstances are involved in the response.

The field supervisor shall, whenever practicable, monitor the response until it has been stabilized or terminated, and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Patrol Supervisor or the field supervisor should consider the following:

- The type of call or crime involved
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

308.7 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly.

The officer shall notify the Patrol Supervisor, field supervisor or Minot Central Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

308.8 ROBBERY/BURGLARY ALARM RESPONSE

(a) A minimum of two officers should respond to robbery/burglary alarms.

(b) Officers shall respond with caution keeping in mind that unless there is specific information to indicate otherwise greater than 95% of received alarms prove to be false alarms.

(c) Officers shall use emergency lights at a minimum and sirens as necessary during response whenever they are exceeding the speed limit or disregarding any traffic laws.

(d) If it is reported by dispatch that it appears to be a false alarm officers shall continue their response to the building in a non-emergency mode to attempt to verify that the alarm is indeed a false alarm. Officers shall discontinue emergency response immediately and obey all traffic laws upon receiving information that it is a false alarm.

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(e) As officers near the location of the alarm they shall slow their response to the legally posted speed limit and shut off their emergency lights/siren so not to alert potential suspects of their arrival in the area.

(f) Officers should take up tactical positions around the building in accordance with their training and attempt to stay out of sight in a perimeter location to observe the building without alert potential suspects of their presence.

(g) Officers should advise Dispatch to attempt contact with a key holder or person on the contact list for the building to determine if there is a crime in progress.

(h) Officers should attempt to make contact with the key holder or contact person away from the building to attempt to determine the cause of the alarm. If no cause can be determined officers should make a tactical decision as to the safest tactic to establish the cause of the alarm and eventually clear the building.

(i) If a key holder is not able to respond or be contacted officers should coordinate their response after consulting with their supervisor.

(j) If an alarm is determined to be false the officer should attempt to determine the cause for the alarm and in the case of a human error identify the person responsible for the false alarm so it can be documented on the incident report on the police docket.

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Canines

309.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

309.2 POLICY

It is the policy of the Minot Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

309.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Division to function primarily in assist or cover assignments. However, they may be assigned by the Patrol Supervisor to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time and then only with the approval of the Patrol Supervisor.

309.4 CANINE COORDINATOR

The canine coordinator shall be appointed by the Chief and directly responsible to the Patrol Commander.

The responsibilities of the coordinator include, but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining accurate records to document canine activitiies.

(c) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

309.5 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Division shall be approved by the Patrol Supervisor.

309.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Patrol Supervisor and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

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(c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

309.5.2 PUBLIC DEMONSTRATIONS
All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment.

309.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing or threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect however the canine unit may be used to locate the suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Patrol Supervisor. Absent a change in circumstances that present an imminent threat to officers, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

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309.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

309.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

309.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a Use of Force report. The injured person shall be promptly treated by emergency medical services personnel and, if

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appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported and a report shall be done in writing to the canine coordinator.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and claimed to be injured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures.

309.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

309.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

309.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and in accordance with training practices.

A narcotics-detection trained canine will not be used to search a person for narcotics.

309.8 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

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309.8.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

309.9 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or Patrol Supervisor.

309.9.1 CONTINUED TRAINING

Each canine team shall thereafter be re-certified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis.

309.9.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved.

309.9.3 TRAINING RECORDS

All canine training records shall be maintained by the canine handler and the canine’s training file.

309.9.4 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (N.D.C.C. § 19-03.1-16; 21 USC § 823(f)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Minot Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

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Canines

309.9.5 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b)

(c)

(d) All controlled substance training samples may be inspected, weighed, and tested. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container.

(f) All DEA obtained controlled substance aids shall be destroyed in accordance with DEA procedures. All other controlled substance training aids shall be destroyed in accordance with department controlled substance destruction procedures.

(g)

(h)

(i)

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Sexual Assault Investigations

310.1 PURPOSE AND SCOPE

(a) Establish guidelines for an effective law enforcement response to reports of sexual assault.

(b) Reduce the incidence of and improve the response to sexual assault in local communities by setting forth best practices which encourage a consistent and effective law enforcement response by:

1. Acknowledging and validating the experience of victims of sexual assault.
2. Investigating effectively to build strong cases against sexual assault suspects.
3. Supporting and empowering victims of sexual assault through effective collaborations.
4. Documenting sexual assault allegations thoroughly and accurately to assure effective prosecution and the successful delivery of services.

310.2 DEFINITIONS

(a) "Coercion" means to exploit fear or anxiety through intimidation, compulsion, domination, or control with the intent to compel conduct or compliance. N.D.C.C. § 12.1-20-02

(b) "Domestic violence / sexual assault organization" means "a private, nonprofit organization whose primary purpose is to provide emergency housing, twenty-four hour crisis lines, advocacy, supportive peer counseling, community education, and referral services for victims of domestic violence and sexual assault." N.D.C.C. § 14-07.1-01 (3)

(c) "Law enforcement officer" means "a public servant authorized by law or by a government agency to enforce the law and to conduct or engage in investigation of violations of law." N.D.C.C. § 14-07.1-01(6)

(d) "Object" means anything used in commission of a sexual act other than the person of the actor. N.D.C.C. § 12.1-20-02

(e) "Probable cause" to justify an arrest means facts and circumstances within the officer's knowledge that are sufficient to warrant a prudent person, or one of reasonable caution, in believing in the circumstances shown, that the suspect has committed, is committing, or is about to commit (in the case of a threat) a crime. Probable cause is frequently referred to in cases and statutes as "reasonable grounds." (Black's Law Dictionary, 2000)

(f) "Sexual act" means sexual contact between human beings consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis,

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the mouth and the vulva, or any other portion of the human body and the penis, anus, or vulva; or the use of an object which comes in contact with the victim's anus, vulva, or penis. Sexual contact between the penis and the vulva, the penis and the anus, any other portion of the human body and the anus or vulva, or an object and the anus, vulva, or penis of the victim, occurs upon penetration, however slight. Emission is not required. N.D.C.C. § 12.1-20-02

(g) "Sexual contact" means any touching, whether or not through the clothing or other covering, of the sexual or other intimate parts of the person, or the penile ejaculation or ejaculate or emission of urine or feces upon any part of the person, for the purpose of arousing or satisfying sexual or aggressive desires. N.D.C.C. § 12.1-20-02

(h) "State" means "a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders." N.D.C.C. § 14-07.4-01 (7)

(i) "Victim" means "a natural person who has suffered direct or threatened physical or emotional harm where there is probable cause to believe that the harm has been caused by the commission of a criminal act. The term "victim" includes the family members of a minor, incompetent, incapacitated, or deceased person." N.D.C.C. § 12.1-34-01(8)

310.3 DISPATCH/ CALL TAKER RESPONSE

Evidence Preservation Considerations

Direct the victim to preserve evidence by refraining from engaging in any of the activities listed below:

1. Changing clothes

2. Washing, brushing teeth, rinsing mouth

3. Consuming any food, beverage or smoking

4. Combing hair

5. Touching, destroying, or, moving any items at the crime scene

6. Urinating or defecating: advise the use of a clean plastic container to collect urine should the victim have to urinate

Additional Procedures

1. Demonstrate patience and respect at all times with the victim reporting a crime of sexual assault. The victim may be in crisis and may exhibit behaviors ranging from rage, outbursts, and crying to calmness, unresponsiveness, or laughter.

2. Determine victim's relationship to the suspect and whether a restraining order is in place.

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3. Whenever possible, stay on the line with the victim to provide additional information and assistance until an officer arrives at the scene.

4. For 911 or other emergency hang-up calls, the dispatcher will immediately attempt to re-establish contact with the caller. Field units will still respond.

5. Record and preserve a tape of the conversation and print out a transcript, if possible, for the investigation.

6. Utilize a current list of domestic violence/sexual assault programs, shelters, and victim/witness programs to assist in making referrals.

310.4 LAW ENFORCEMENT RESPONSE

Immediate Response

Law enforcement's initial contact with victims of sexual assault can greatly influence the entire investigative process. Therefore, contact with victims should be guided by professional, respectful, and courteous behavior at all times. Law enforcement initially responding to a report of sexual assault shall:

1. Respond immediately to the crime scene or location of the victim.

a. If responding to the scene, the officer shall:

- Assess the crime scene
- Arrange transportation to the hospital if needed
- Inform victim of rights and reporting options
- Advise victim on preserving evidence

b. If responding to a hospital, the officer shall:

- Initiate contact with medical staff for information
- Determine if an advocate has been called.
- If advocate is not available, review victim rights and reporting options

2. Secure the scene to ensure the offender is not present or if present poses no additional risk to the victim. 3. Keep the victim safe and address any safety issues. 4. Administer first aid, if necessary. 5. Request medical support, if necessary. 6. Establish trust and rapport by demonstrating understanding, patience, and respect for the victim's dignity, including:

a. Limiting preliminary questions b. Explaining each person's role c. Contacting other officers or agencies for assistance

7. Remain aware that the sexual assault may have been committed by a family member, caretaker, neighbor or friend who may be present at the scene. 8. Conduct initial investigation of the crime that has been committed:

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a. Obtain names of witnesses and contact information. b. When possible, obtain statements from witnesses that were present. c. Identify where the incident occurred, specifically to establish jurisdiction. d. Determine whether drugs or alcohol were utilized to facilitate the sexual assault without the victim's knowledge in order to identify the need for additional evidence collection. e. Determine the relationship between the victim and suspect, and whether a valid protection order is in force.

9. Be aware that a victim may make excited utterances which may have evidentiary value.

a. Record these utterances when practical and note them in your report.

Delayed Investigation Response

It is not uncommon for delayed reports (any report after the 96 hour evidence collection limitation) to occur regarding sexual assaults. In a delayed investigation, law enforcement shall:

1. Obtain a victim statement.

2. Identify witnesses present prior to and after the assault occurred and obtain contact information for them.

3. Contact witnesses and interview each of them regarding the reported assault.

4. Identify all possible evidence that may exist. This may include:

a. Any text messages discussing the incident b. Electronic postings regarding the incident on sites such as Facebook or Twitter c. Any physical evidence related to the assault: clothing, bedding, condoms, etc. d. Any photographs that may have been taken prior to or after the assault occurred

310.5 VICTIM INTERVIEW PREPARATION

1. Prior to conducting an interview with the victim, law enforcement should contact the local sexual assault/domestic violence program.

2. Obtain an interpreter if needed. Be mindful of the victim's needs during the interview process (i.e. if the victim needs to take a break or would like a support person present-when appropriate).
3. While documenting basic information, obtain the victim's name, date of birth and contact information. Ensure the victim wants to make a report, and understands what that involves.

4. Explain the process of the interview: who is involved and their roles. Ensure the victim is okay with everyone in the room.

5. Ensure safety and privacy by interviewing the victim in a place separate from the suspect.

a. If responding to the scene, suggest finding somewhere private to speak; this may include going to the police department or hospital. Allow the victim to make that determination whenever possible. b. If responding to a hospital, ensure privacy by requesting an examination room or conference room rather than remaining in a trauma area waiting room. c. If the victim presents to the law enforcement department, use an interview or conference room to ensure comfort and privacy.

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6. Maintain an appropriate demeanor by:

a. Listening, showing interest in the victim and the situation, maintaining objectivity, and remain aware of nonverbal communication signals. b. Maintaining good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility). c. Demonstrating interest and encouraging the victim to continue speaking (appropriate facial and head movements with a relaxed stance).

7. Lead the interview; however, let the victim speak uninterrupted.

310.6 CONDUCTING THE VICTIM INTERVIEW

1. Ascertain victim's relationship to the suspect. 2. Determine what happened. It may be most effective to have the victim begin with the events prior to the sexual assault, noting the victim's condition and demeanor. Obtain the following information:

a. A description of injuries, if any, to the victim. b. Identify any injuries, if any, to the suspect, specifically any injuries inflicted by the victim. c. Inquire how the incident began. d. Identify the location of where the assault occurred. e. Determine if there was any weapon involved. f. Obtain as much information related to the suspect as possible, if known; where he/she lives and/or works, vehicles used, areas frequented. g. Inquire if anything was taken from the scene or left at the scene by the victim or suspect.

3. Identify any witnesses, their contact information, and how they were involved. 4. After the victim has provided his/her statements, the officer(s) should ask about details for clarification, and summarize the stated account; this allows the victim to point out anything that might be misrepresented and ensures accuracy. 5. Photograph and document photographs in the report.

(a) Photographs of extremely brutal injuries or bite marks can prove beneficial in court. Because some injuries become apparent only after several days, it is recommended that follow-up photographs be taken as there is always the possibility initial photographs will not show the extent or the severity of the injury.

6. Answer any other questions the victim may have after the interview. 7. Address the victim's safety, such as whether the suspect knows where the victim lives, and any transportation issues. 8. Upon completion of the interview, ensure the victim has law enforcement's contact information. 9. Obtain the phone number of the victim's residence and include that number in the incident report so jail/court/victim-witness personnel may use this information to inform the victim of the suspect's release on bail. It is also important to obtain alternative contact information, (i.e. additional phone numbers, etc.) where messages can be left when necessary. If possible, record name, address, and phone number of two close friends or relatives of the victim who will know how to reach the victim 6-12 months from the time of the investigation. 10. Inform the victim of what will occur following the preliminary interview, including:

a. Provide the victim with contact for a follow-up interview with law enforcement. b. Describe how law enforcement may proceed following the interview. c. If advocate was not present during the

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interview, provide the victim with contact information for the local domestic violence/sexual assault advocacy program.

11. Also, pretext phone calls often produce valuable information. The victim's emotional and physical state should be considered before initiating such a call. A victim advocate is a source of valuable support. Pretext phone calls can be utilized with other witnesses as well.

310.7 SUSPECT INTERVIEW

1. If possible, the officer should tape record the suspect's statement for evidentiary purposes. 2. Determine the suspect's relationship to the victim (stranger vs. non-stranger) and what happened. Determining the relationship is significant especially when discussing the victim's safety as well as during the interview and evidence collection. 3. Prior to the interview ascertain suspect's criminal history and any previous contact with law enforcement. 4. Determine what happened. It may be most effective to have the suspect begin with the events prior to the sexual assault, noting the suspect's condition and demeanor in the report. 5. Document any injuries to the suspect, who or what caused them, and if weapons or objects were used to commit the reported assault. 6. Photograph and document in report:

a. Any damaged or torn clothing on the suspect (keeping in mind the suspect may have changed clothing). b. Any smeared or transferred makeup on either clothing or the suspect. c. All evidence of injury, including any physical complaints the suspect may have. d. The presence of any use of alcohol and/or drugs by the suspect.

7. Make every attempt to obtain a suspect statement.

310.8 EVIDENCE COLLECTION

Law enforcement within the jurisdiction in which the offense was believed to have occurred is responsible for coordinating the collection of the Sexual Assault Evidence Collection Kit from the healthcare facility at which the examination was conducted. In order to ensure effective evidence collection, the officer should:

1. Once the victim has consented to the examination, ensure the following information is communicated:

a. He/she has the right to decline any or all parts of the examination. b. The victim's name and date of birth will be on the evidence collection kit for storage purposes. c. The sexual assault kit will be stored for seven years or until the victim turns 22, whichever comes later. d. The examination will occur within the 96 hours following the assault (unless reason to extend the time period is given). N.D.C.C. § 12.1-34-07 If the victim does not consent to the examination, encourage the victim to obtain medical attention to address sexually transmitted infections and pregnancy testing.

2. Work with other professionals (SANE, advocate, physician) to explain the forensic examination process; this includes explaining what is done and what may be collected, such as clothing. 3. Recognize drug-facilitated sexual assault considerations. NOTE: Inform the victim he/she will not be criminally charged if drugs or alcohol are identified in the urine and/or blood sample; however, the results may be presented in court proceedings, N.D.C.C. § 12.1-34-07(4).

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310.8.1 ON-SCENE EVIDENCE COLLECTION

1. Secure the crime scene (if not already done). 2. Maintain chain of custody and properly collect evidence.

a. All evidence collected should be dried, clearly marked, properly packaged and labeled. b. Refrigerate the evidence as soon as possible. c. When packaging, use individual envelopes for each item collected. d. Use new paper bags or envelopes rather than plastic bags to collect evidence.

3. Collect physical evidence such as:

a. Any clothing worn by the victim and suspect at the time of the assault-specifically undergarments, pants, and shorts (unless collected by medical personnel). b. Other physical evidence that may corroborate the victim's account of the incident (i.e. condom wrappers, sheets, blankets, bottles, etc.). c. Any damaged or torn clothing worn by the victim or the suspect. d. Any smeared or transferred makeup on either the victim or the suspect or their clothing. e. Document all evidence of injury including any physical complaints the suspect may have.

310.8.2 VICTIM FORENSIC EVIDENCE COLLECTION

1. Prior to the examination if a SANE is unavailable, document and photograph the victim's external visible injuries (if any).

a. Expose as little as possible using sheets or other covers. b. Ensure all of the needed photographs are obtained. c. Arrange to take additional photographs after the assault as more bruises may appear or become more visible. d. Medical personnel and law enforcement should use an anatomical diagram to document the injuries on the victim as the primary crime scene.

2. Follow proper kit storage requirements.

a. Refrigerate the sexual assault kit as soon as possible. b. If urine sample is included with the sexual assault kit, freeze sample immediately; it is not necessary to freeze the entire kit, only the urine sample. c. Transport sexual assault kit to the North Dakota Crime Laboratory Division if DNA evidence is necessary and the victim has consented to the investigation.

3. If not providing the sexual assault kit to ND Crime Laboratory Division for analysis (when a victim chooses not to report) proceed as follows:

a. The law enforcement agency in custody of the collected evidence is responsible for maintaining the chain of custody of that evidence. b. The victim's name and date of birth are required for collection and storage of the kit. c. Sexual Assault Evidence Collection Kits and other evidence collected for victims who do not currently elect to proceed with an investigation should be maintained in the same manner as other evidence collection kits and evidence.

310.8.3 SUSPECT FORENSIC EVIDENCE COLLECTION

A sexual assault evidence collection kit can be utilized to collect the evidence on the suspect. Law enforcement should remain present during the evidence collection procedures.

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It is essential everything possible is done to prevent any contact between the victim and suspect. Although not always possible, this may include examinations taking place at different times and/or locations, ensuring the victim has left the site of the examination prior to the suspect's arrival.

1. If in custody, the suspect shall be given a Miranda warning before being asked medical history questions by the forensic examiner or investigator. 2. Both the examiner and attending officer shall be prepared to document any spontaneous statements made by the suspect regardless of whether or not the suspect is in custody and whether or not the suspect was provided with a Miranda warning.

310.9 PROCEDURES FOR SUSPECT EXAMINATION

1. Immediately after the suspect interview, the investigating officer shall determine whether a forensic sexual assault examination should be obtained for the suspect. Consider the following when making this determination:

a. What is the length of time since the assault occurred? b. What was the nature of the assault? c. Does the victim believe he/she may have injured the suspect? d. Has the suspect showered? e. Is the suspect wearing the same clothing he/she was wearing during or immediately after the assault?

2. A search warrant may be needed to collect any evidence from the body of the suspect or even to collect clothing. If the suspect consents to such evidence collection procedures, complete and obtain the suspect's signature on a consent form.

310.10 FOLLOW UP VICTIM INTERVIEW

The purpose of the follow-up interview is to address any inconsistencies and clarify any confusion and to gather any further information. Law enforcement officers shall:

1. Conduct the interview in a location that is convenient, accessible and comfortable for the victim. This may include arranging for transportation and contacting the local advocacy agency to be present for the interview.

a. Discuss the purpose of the interview with the victim. b. Review the victim's contact information. c. Address arrest decisions made and explain the status of the case with the victim. d. Identify any new information or developments and ask questions specifically related to how the sexual assault has impacted the victim. e. Identify any need for follow-up photographs of injuries.

NOTE: Depending upon the location of the injuries, it may be necessary to enlist in medical personnel to assist in obtaining follow-up photographs.

2. Compile and review information already collected including:

a. Talk to the responding officer(s) regarding the preliminary investigation. b. Review the first responder documentation: How was the call received? Where did the officer respond? c. Review the first interview with the victim and identify any holes, gaps or questions. d. Review the history of questions asked related to the incident e. Identify whether there were any additional witnesses and

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their contact information. f. Clarify any inconsistencies with earlier accounts in a nonthreatening manner.

3. Ensure the following issues were addressed in the initial interview including:

a. Obtain specific circumstances of the assault, such as how it happened. b. Review and clarify the details of the assault. c. Review the details provided by the suspect prior to meeting with the victim to identify discrepancies that may need to be addressed.

4. Discuss any safety concerns the victim may have. Work with local domestic violence/sexual assault advocacy programs to assist in addressing the victim's concerns and any questions they may have about obtaining a court order due to safety concerns. Utilize pretext phone calls (one-party consent in ND: N.D.C.C. § 12.1-15-02). These are valuable in non-stranger sexual assault cases. Involve the victim as an investigative tool as appropriate.

310.11 FOLLOW UP SUSPECT INTERVIEW

Based on the nature of the assault, develop an investigative and interview strategy. This may require considering the potential defenses available to the suspect (for example: denial, mistaken identity or consent). This strategy will guide the questions and any additional evidence collection that may be needed. This interview may:

1. Re-photograph injuries on the suspect to document changes in visible injuries from the previous interview. 2. Compile and review information already collected including:

a. Talk to the responding officer(s) regarding the preliminary investigation. b. Review the first interview with the suspect and identify any holes, gaps or questions. c. Review history of questions asked related to the incident

3. Obtain any clarifying information from the suspect, including addressing inconsistencies that may have come up during other interviews and throughout the investigation. 4. Gather any additional information and/or details from the suspect regarding the assault.

a. Obtain specific circumstances of the assault, such as how it happened. b. Review and clarify the details of the assault:

5. Identify whether there were any additional witnesses and their contact information.

310.12 ARREST AND PROSECUTION CONSIDERATIONS

1. Law enforcement and prosecution are encouraged to communicate throughout the investigation and prosecution of a case. Decisions regarding prosecution should be communicated to law enforcement. 2. Some considerations in arrest and prosecution decisions might include:

a. The victim's safety and rights. b. Requests made by the victim regarding the incident. c. Any existing evidence related to the incident.

3. During this time prosecution may enlist in assistance from the victim witness program and/or local domestic violence/sexual assault advocacy program. These programs may aid with informing the victim of decisions made regarding arrest and/or prosecution.

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310.13 DOCUMENTATION AND GUIDELINES IN NON_REPORTED CASES

In the event a victim seeks an examination but does not wish to make a report at that time documentation should occur as follows:

1 The local law enforcement agency within the jurisdiction in which the offense was believed to have occurred is responsible for coordinating the collection of the Sexual Assault Evidence Collection Kit from the healthcare facility. The victim's name and date of birth shall be required for collection of the kit.

2 Sexual Assault Evidence Collection Kits and other evidence collected for victims who do not currently elect to proceed with an investigation should be maintained in the same manner as other Evidence Collection Kits and evidence.

3 Sexual assault evidence collected from non-investigated cases should be kept by law enforcement for a minimum of seven years or until the victim turns twenty-two, whichever occurs later.

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Domestic Violence

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence (N.D.C.C. § 14-07.1-14).

311.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of court orders related to domestic violence, both civil and criminal, whether issued by a court of this state or another and whether service has been made.

Domestic violence - Physical harm, bodily injury or sexual activity compelled by physical force, assault or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force or assault, not committed in self-defense, by a family or household member (N.D.C.C. § 14-07.1-01(2)).

Predominant aggressor - An individual who is the most significant, not necessarily the first, aggressor (N.D.C.C. § 14-07.1-01(6)).

311.2 POLICY

The Minot Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

311.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

311.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

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(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident, or whose injuries change in appearance warranting additional photographs, should be asked to contact the Investigations Division in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearm or other dangerous weapon in the home, if appropriate and legally permitted, for safekeeping or as evidence.

1. Any firearm or other dangerous weapon used or possessed while in the commission of a felony or a misdemeanor involving violence or intimidation shall be seized (N.D.C.C. § 62.1-01-02).

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When it is reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. The following factors should not be used as sole justification for declining to take enforcement action:

1. Whether the suspect lives on the premises with the victim
2. Claims by the suspect that the victim provoked or perpetuated the violence
3. The potential financial or child custody consequences of arrest
4. The physical or emotional state of either party
5. Use of drugs or alcohol by either party
6. Denial that the domestic violence occurred where evidence indicates otherwise

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7. A request by the victim not to arrest the suspect
8. Location of the incident (public/private)
9. Speculation that the complainant may not follow through with the prosecution
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect
11. The social status, community status, or professional position of the victim or suspect.

311.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

311.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

311.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the victim information handout developed by the department, even if the incident may not rise to the level of crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

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(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

An officer shall advise a person protected by a Canadian domestic violence protective order of available local victims' services (N.D.C.C. § 14-07.5-02).

311.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers should advise patrol units whether any involved persons are subject to terms of a court order. It is the responsibility of the officer to read and verify the order is current, and valid.

311.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

Canadian orders shall be enforced in the same manner as if issued in this state (N.D.C.C. § 14-07.5-02).

311.7.1 SERVICE OF FOREIGN COURT ORDERS

If an officer determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order and make a reasonable effort to serve the order upon the respondent. After informing the respondent and serving the order, the officer shall allow the respondent a reasonable opportunity to comply with the order before enforcing the order (N.D.C.C. § 14-07.4-03(3); N.D.C.C. § 14-07.5-02).

Officers investigating a possible violation of a foreign order must advise the protected person that an attempt will be made to contact the person who is the subject of the order. The officer shall then make a reasonable effort to contact the person who is the subject of the order to inform the person of the specific terms and conditions of the order as provided in N.D.C.C. § 14-07.5-02.

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311.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

311.9 ASSISTANCE IN SERVICE OR EXECUTION OF PROTECTION ORDERS

Upon an order of the court, members of the Department shall assist in the execution or service of a protection order including (N.D.C.C. § 14-07.1-04):

(a) Accompanying an applicant and assisting him/her in obtaining housing.

(b) Otherwise assisting in the execution or service of the protection order including referral to a domestic violence shelter care facility.

311.10 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following (N.D.C.C. § 14-07.1-10; N.D.C.C. § 14-07.1-11):

(a) An officer who has probable cause to believe that a person has committed a crime involving domestic violence shall presume that arresting the person is the appropriate response and should make an arrest as follows:

1. An arrest may be made without a warrant within 12 hours from the time the officer determines there is probable cause for the arrest and only if the officer observes that there has been recent physical injury to, or impairment of physical condition of, the alleged victim.
2. If more than 12 hours have elapsed, the officer must secure an arrest warrant.

(b) An officer shall not threaten, suggest or otherwise indicate that a family or household member will be arrested to discourage law enforcement intervention.

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(c) Complaints received from multiple family or household members shall be evaluated separately to determine if either party acted in self-defense. Dual arrests should not be made. If self-defense is not a factor, the officer shall consider which party was the predominant aggressor by considering the following factors when determining whether to pursue further investigation or seek an arrest warrant:

1. The comparative severity of injuries involved.
2. Any history of domestic violence or any other violent acts.
3. The likelihood of future harm.

(d) An individual arrested for domestic violence shall not be released on bail or personal recognizance unless he/she has made a personal appearance before a magistrate.

(e) An officer who has probable cause to believe a person has committed the offense of violating a protection order under N.D.C.C. § 14-07.1-06, shall arrest the person whether or not the violation was committed in the presence of the officer.

(f) The arresting or booking officer should provide victim contact information to jail staff to facilitate the ability of jail staff to notify the victim before the suspect's release.

311.11 REPORTS AND RECORDS

Officers shall make a written report of any allegation of domestic violence regardless of whether an arrest was made (N.D.C.C. § 14-07.1-12). When preparing a report of domestic violence, an officer shall:

(a) Include the name of the predominant aggressor, if determined through the investigation, and a description of the evidence that supports the determination.

(b) Include a lethality assessment for use by the prosecutor.

(c) Submit the report to his/her supervisor.

(d) Complete and submit appropriate documentation to the agency providing child protective services, as required by the current collaborative agreement.

At the request of a domestic violence victim, one copy of each domestic violence face sheet and incident report should be provided. Absent good cause, the face sheet should be made available during business hours, within a reasonable amount of time of the request. Incident reports should be completed in an expeditious manner.

311.12 TRAINING

Training should be provided as incorporated in the department training plan (N.D.C.C. § 14-07.1-14(2)).

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POLICE EMPLOYEE DOMESTIC VIOLENCE INVESTIGATIONS

312.1 PURPOSE

This policy acknowledges that some police officers commit domestic violence against their intimate partners. The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving police officers. This policy will provide police executives and officers guidance in addressing incidents where one (or more) party to a possible domestic violence incident is an employee, whether sworn or civilian, of any rank in the department.

312.2 POLICY

The policy takes a continuum approach, seeking first to educate at all phases of an officer's career, then prevent, or interdict, domestic abuse situations early on in order to reduce victimization of the partner and increase the chances of officer career stability.

Where incidents of domestic violence are alleged to have occurred, the department will act quickly to protect the victim, arrest the perpetrator, and conduct parallel administrative and criminal investigations.

This policy delineates a position by the department of zero tolerance)of domestic violence. An officer found guilty of domestic violence, either through criminal court or an administrative hearing, shall have his/her police powers revoked. Once implemented, the policy will apply to past convictions, and existing and future police officer domestic violence crimes.

312.3 PROCEDURES

This policy applies to past convictions for domestic violence, as well as existing and future offenses. In the process of adopting this policy of zero tolerance, departments must review the records of all officers to ensure they are free of domestic violence convictions. Federal law prohibits police officers who have been convicted of misdemeanor domestic violence crimes from possessing a firearm.

312.3.1 EARLY WARNING AND INTERVENTION

a. Pre-hire Screening and Investigation

(1.) Departments shall conduct thorough background investigations of all potential new employees to determine if elder abuse, child abuse, and/or domestic violence issues exist.

(2.) All candidates shall be asked about past arrests or convictions for elder abuse, child abuse, and/or domestic violence-related incidents and past civil protection orders.

b. Department Responsibilities

(1.) The department shall either in response to observed warning signs or at the request of an officer provide non-punitive avenues of assistance to officers, their partners, and other family members before an act of domestic violence occurs.

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POLICE EMPLOYEE DOMESTIC VIOLENCE INVESTIGATIONS

(2.) The department shall identify a procedure for making confidential referrals to confidential counseling services either internally or in collaboration with existing community services that have specific expertise in domestic violence.

(3.) Officers who disclose to any member of the department that they have personally engaged in domestic violence are not entitled to confidentiality. The report of such criminal conduct must be treated as an admission of a crime and shall be investigated both criminally and administratively.

c. Supervisor Responsibilities

(1.) Supervisors shall be cognizant of and document all behavior, on or off duty, where officers may be exhibiting signs of possible domestic violence-related problems; including increased use of force during arrests, alcohol and/or drug abuse, increase in controlling behaviors, stalking activity, citizen and fellow officer complaints of unwarranted aggression and verbal abuse, and inappropriate aggression toward animals.

a. Supervisors shall immediately make their ranking supervisor aware of any and all such behaviors.

b. The Chief of Police shall be informed of such circumstances or concerns in a timely manner through the department's chain of command.

c. Supervisors shall prepare and submit written requests for evaluating an officer's mental and physical well-being by suitable professionals when behaviors or circumstances deem appropriate.

(2.) Criminal Investigations and Decisions- The process to complete a criminal investigation of an incident of police officer domestic violence shall be done in accordance with the Criminal Investigation section of the Personal Complaints Policy..

(3.) The investigating official shall conduct criminal investigations as she/he would for any other criminal violation. Witnesses shall be contacted, statements recorded, evidence collected, photographs taken of the scene and injuries, medical records accessed, 911 recordings requested, and all information fully documented.

(4.) When appropriate, the investigating official or department shall conduct sufficient recorded interviews to support criminal charges, to include family members, friends, neighbors, colleagues, or others who may have information in accordance with the officer's and victim's privacy rights.

(5.) Any police officer convicted of a domestic violence crime as defined herein shall have his/her police powers revoked.

d. Police Officer Responsibilities

(1.) Officers with definite knowledge of abuse and/or violence involving fellow officers must report such information in a timely manner to their supervisor. Failure to do so will subject the officer to investigation, disciplinary action, and possible sanction and/or or criminal charges.

(2.) Officers who fail to cooperate with the investigation of a police officer domestic violence case will be subject to investigation, and possible sanction and/or criminal charges.

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(3.) An officer who is the subject of a criminal investigation, protective or restraining order related to domestic violence, regardless of jurisdiction, is required to report him/herself to his/her supervisor and provide notice of the court dates, times, appearances, and proceedings in a timely manner.

(4.) An accused officer who is the subject of any civil protective order proceeding, whether or not the order is issued and regardless of jurisdiction, shall notify his/her supervisor in a timely manner and provided a copy of the order, if issued, to his/her supervisor.

312.3.2 INCIDENT RESPONSE PROTOCOLS

a. Department-Wide Response

(1.) The department shall accept, document, and preserve all calls or reports, including those made anonymously, involving possible police officer domestic violence as "on-the-record" information.

(2.) All reports of possible criminal activity implicating police officers in domestic violence shall be documented in accordance with the policies governing the handling of all reports of domestic violence by citizens. a criminal incident report shall be completed including details on date, time, location, circumstances, names (if known), officials notified, and actions taken; a case file number shall be assigned and the report filed.

b. On-scene Supervisor Response

(1.) A supervisor shall report to the scene of all police officer domestic violence situations, regardless of the involved officer's jurisdiction.

(2.) If the alleged offender has left the scene and probable cause exits, the responding officers shall:

a. Search the area as appropriate

b. Obtain information from victim, family, and witnesses as to where the offender may have gone.

c. Seek an arrest warrant.

(3.) Whenever an officer is arrested, the supervisor shall relieve the accused officer of his/her service weapon. Where allowable under federal, state, or local ordinances, all other firearms owned or at the disposal of the accused officer shall be removed to ensure the victim's safety.

(4.) Whenever a police officer domestic violence call does not result in an arrest, the on-scene supervisor shall submit a written report.

(5.) The on-scene supervisor shall ensure the victim is informed of the following:

a. The availability of an on-scene advocate.

b. Transportation to a safe house, shelter, or any other location that enhances victim safety.

c. Procedures for obtaining restraining and/or protective orders and victim rights.

d. Judicial process, victim rights, and compensation following an arrest.

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e. Written information on community resources and local domestic violence victim advocacy organizations.

c. Additional Critical Considerations

(1.) In the event that the reported incident involves the Chief of Police, the supervisor shall immediately notify the City Manager.

(2.) In responding to domestic violence situations where the victim is a police officer, standard domestic violence response and investigation procedures should be followed.

312.3.3 POST INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS

Departments shall conduct separate parallel administrative and criminal investigations of alleged incidents of police officer domestic violence. If the facts of the case indicate that domestic violence has occurred or any departmental policies have been violated, administrative action shall be taken separate and distinct from any criminal proceedings as soon as practicable. Independent of the outcome of the criminal case, the department shall adhere to all positions and policies relating to the incident. The department will adhere to and observe all necessary protocols to ensure an accused officer's departmental and legal rights are upheld during the administrative and criminal investigations.

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Search and Seizure

313.1 PURPOSE AND SCOPE

Both the federal and the state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Minot Police Department personnel to consider when dealing with search and seizure issues.

313.2 POLICY

It is the policy of the Minot Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law as well as local community standards and prosecutorial considerations to specific search and seizure situations as appropriate.

313.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor or other available resource to resolve questions regarding search and seizure issues prior to electing a course of action.

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313.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(c) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(d) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

    1. Another officer or a supervisor should witness the search.

313.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Temporary Custody of Juveniles

314.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Minot Police Department (34 USC § 11133).

This policy only applies to the temporary custody of juveniles before they are released or transferred to a place authorized for the detention of juveniles (N.D.C.C. § 27-20.4-08).

314.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Also included is any juvenile nine years of age or younger (N.D.C.C. § 12.1–04–01).

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes an offense under N.D.C.C. § 62.1-02-01 for underage possession of a handgun (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed, but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices with a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

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(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged so as to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

314.2 POLICY

The Minot Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Minot Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

314.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Minot Police Department. These include:

(a) Unconsciousness or having been unconscious while being taken into custody or transported.

(b) Serious injuries or a medical condition requiring immediate medical attention.

(c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Mental Illness Commitments Policy).

1. If the officer taking custody of a juvenile believes that the juvenile may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or transfer to an appropriate facility is completed.

(d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(e) Extremely violent or continuously violent behavior.

(f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation. These juveniles should not be held at the Minot Police Department unless or until they have been evaluated by a qualified medical and/or mental health professional.

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314.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Minot Police Department when there is no other lawful and practical alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Minot Police Department without authorization of the arresting officer's supervisor or the Patrol Supervisor. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable, and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the Minot Police Department (N.D.C.C. § 27-20.4-07; 34 USC § 11133).

314.4.1 CUSTODY OF NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Minot Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

314.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by juvenile referral or upon a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

314.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Minot Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

The following applies to juveniles taken into custody:

(a) Juvenile offenders may be taken into custody (N.D.C.C. § 27-20.4-05):

1. Pursuant to an order of the court.
2. Pursuant to the laws of arrest applicable to adults and as authorized after scoring of the detention screening tool.

(b) A juvenile offender should not be released from custody without first contacting the court if there is reason to believe any of the following (N.D.C.C. § 27-20.4-06):

1. Further care is required to protect the juvenile offender, or the property of others, or of the juvenile offender.

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2. The juvenile offender may abscond or be removed from the jurisdiction of the court.
3. The juvenile offender has no parent, guardian, custodian, or other person able to provide supervision and care, and return the juvenile offender to the court when required.
4. An order for the juvenile offender's detention or nonsecure care has been made by the court.
5. The detention screening tool indicates that the juvenile offender should be detained.

314.5 ADVISEMENTS

A member of this department who does not release a juvenile to a parent, guardian, or other custodian shall promptly notify the juvenile's parent, guardian, or other custodian and the court of the reason for the custody (N.D.C.C. § 27-20.4-07).

The member shall send the required referral to the court within 24 hours of taking a juvenile into custody under section 27-20.4-05 (N.D.C.C. § 27-20.4-05.1).

If there is reason to believe that a juvenile offender committed a sexual offense (see generally N.D.C.C. § 12.1-20-01 et seq. and N.D.C.C. § 12.1-27.2-01 et seq.), the Department of Health and Human Services should be notified as soon as practicable. A copy of the case report shall also be forwarded to the Department of Health and Human Services (N.D.C.C. § 50-25.1-05.3).

314.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the detention shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile being held.
(b) Date and time of arrival at and release from the Minot Police Department.
(c) Patrol Supervisor notification and approval to temporarily hold the juvenile.
(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
(e) Any changes in status.
(f) Time of all welfare checks.
(g) Any medical and other screening requested and completed.
(h) Circumstances that justify any secure custody.
(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

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314.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Minot Police Department shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

314.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Minot Police Department shall ensure the following:

(a) The Patrol Supervisor should be notified if it is anticipated that a juvenile may need to remain at the Minot Police Department for longer than four hours. This will enable the Patrol Supervisor to ensure no juvenile is held at the Minot Police Department for more than six hours.

(b) A staff member of the same sex shall supervise the personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal visual checks and significant incidents/activities shall be noted on the log.

    1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under the employee's care that the juvenile will be monitored at all times, unless the juvenile is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

    2. Juveniles shall have reasonable access to toilets and wash basins.

(d) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

(e) Juveniles shall have reasonable access to a drinking fountain or water.

(f) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(g) Juveniles should have privacy during family, guardian, and/or lawyer visits.

(h) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(i) Blankets should be provided as reasonably necessary.

(j) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.

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(k) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(l) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

(m) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

314.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Minot Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Patrol Supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals and monitored in such a way as to protect the juvenile from abuse.

314.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Minot Police Department shall ensure a thorough search of the juvenile’s property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile’s presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Minot Police Department.

314.11 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Patrol Division Division Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Minot Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate

(b) Immediate notification of the on-duty supervisor, Chief of Police, and Investigations Division supervisor

(c) Notification of the parent, guardian, or person standing in loco parentis of the juvenile

(d) Notification of the appropriate prosecutor

(e) Notification of the City Attorney

(f) Notification of the Coroner

(g) Notification of the juvenile court

(h) Evidence preservation

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314.12 INTERVIEWING OR INTERROGATING

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

314.13 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

No child under the age of 14 may be fingerprinted except for certain crimes as allowed by law (N.D.C.C. § 27-20.2-24(1)).

A child may only be photographed for certain offenses (N.D.C.C. § 27-20.2-24(6)).

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Adult Abuse

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Minot Police Department members as required by law.

315.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (N.D.C.C. § 50-25.2-03).

315.2 POLICY

The Minot Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

315.3 MANDATORY NOTIFICATION

Members of the Minot Police Department shall notify the North Dakota Department of Health and Human Services or other designated agency when they have knowledge that a vulnerable adult has been subjected to abuse or neglect, or when they observe a vulnerable adult being subjected to conditions or circumstances that reasonably would result in abuse or neglect when the knowledge is derived from information received in their official capacity (N.D.C.C. § 50-25.2-03).

For purposes of this notification, a vulnerable adult is an adult (including a minor emancipated by marriage) with a substantial mental or functional impairment (N.D.C.C. § 50-25.2-01). Abuse is any willful act or omission of a caregiver or any other person which results in physical injury, mental anguish, unreasonable confinement, sexual abuse or exploitation, or financial exploitation to or of a vulnerable adult (N.D.C.C. § 50-25.2-01).

Officers investigating any allegation of abuse or neglect of a vulnerable adult that requires immediate steps to protect the person, such as removing them from their environment, shall notify the North Dakota Department of Health and Human Services of the steps taken (N.D.C.C. § 50-25.2-05).

315.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows:

(a) Notification to the North Dakota Department of Health and Human Services or other designated agency should be made immediately, either orally or in writing (N.D.C.C. § 50-25.2-03).

(b) A member shall, if known, include all of the following in a notification (N.D.C.C. § 50-25.2-03):

1. The name, age, and residence address of the alleged vulnerable adult.

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2. The name and residence address of the caregiver, if any.
3. The nature and extent of the alleged abuse or neglect or the conditions and circumstances that would reasonably be expected to result in abuse or neglect.
4. Any evidence of previous abuse or neglect, including the nature and extent of the abuse or neglect.
5. Any other information that may be helpful in establishing the cause of the alleged abuse or neglect and the identity of the individual responsible for the alleged abuse or neglect.

315.4 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

315.5 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for themselves, the officer should make reasonable attempts to contact the North

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Dakota Department of Health and Human Services or another designated agency. Generally, removal of an adult abuse victim from the victim's family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from the victim's family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to the North Dakota Department of Health and Human Services or another designated agency.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult abuse victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult (N.D.C.C. § 50-25.2-07).

315.6 INTERVIEWS

315.6.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

315.6.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without the adult's consent or the consent of a guardian unless one of the following applies:

(a) The adult cannot adequately provide for the adult's own care or protection and exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

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(b) A court order or warrant has been issued.

315.7 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

315.8 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

315.8.1 SUPERVISOR RESPONSIBILITIES

The Investigations Division Supervisor should:

(a) Work with professionals from the appropriate agencies, including the North Dakota Department of Health and Human Services or another designated agency, other law enforcement agencies, medical service providers, and local prosecutors to develop community specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigations Division Supervisor that the officer has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the adult.

315.8.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives there should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations Division Supervisor so an interagency response can begin.

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315.9 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (N.D.C.C. § 50-25.2-12).

315.10 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

(g) Other training as may be provided by the North Dakota Department of Health and Human Services (N.D.C.C. § 50-25.2-13).

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Discriminatory Harassment

316.1 POLICY

The Minot Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may or may not violate state or federal law but still could subject a member to discipline.

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Child Abuse

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Minot Police Department members are required to notify the North Dakota Department of Health and Human Services of suspected child abuse.

317.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Includes any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

317.2 POLICY

The Minot Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the North Dakota Department of Health and Human Services is notified as required by law.

317.3 MANDATORY NOTIFICATION

Members of the Minot Police Department shall notify the North Dakota Department of Health and Human Services of where the child is currently residing when there is reasonable cause to believe the child is the victim of abuse or neglect (N.D.C.C. § 50-25.1-03).

For purposes of notification, abuse includes a child 17 years of age or younger who experiences mental or physical injury by a person responsible for the child's welfare. This includes a parent, an adult family member, any member of the child's household, a guardian, a foster parent, or any person providing care for the child at a school or child care setting. Abuse also includes any sexual offense committed against a child 17 years of age or younger by any person, whether or not the person is responsible for the child's welfare (N.D.C.C. § 50-25.1-02).

For purposes of notification, neglect includes failure to provide proper parental care or control, subsistence, education, or other care or control necessary for a child's physical, mental, or emotional health, or morals, not due primarily from the financial inability of a person responsible for the child's welfare. Neglect should be assumed when care of a child is requested by a person who has a physical, mental, emotional, or other illness or disability and is responsible for the child's welfare. Neglect also includes abandonment of a child by a parent, guardian, or custodian; failure of a parent, guardian, or custodian to participate in treatment ordered by the juvenile court; subjecting a child to prenatal exposure to alcohol misuse or drug use; permitting a child to remain in an environment that subjects the child to exposure to a controlled or chemical substance or drug paraphernalia; or subjecting a child to human trafficking (N.D.C.C. § 50-25.1-02).

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317.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (N.D.C.C. § 50-25.1-04):

(a) Incidents of suspected child abuse shall be immediately referred to the North Dakota Department of Health and Human Services of where the child is currently residing. Oral reports must be followed by written reports within 48 hours, if requested.

(b) A child abuse report, when possible, should include:

1. The name and addresses of the child, the child's parents, or others responsible for the child's care.
2. The age, sex, and race of the child.
3. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
4. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
5. The family composition.
6. The source of the report and the name, address, and occupation of the person making the report.
7. Any action taken by the reporting source.
8. Any other information that the person making the report believes may be helpful.

317.4 INVESTIGATIONS AND REPORTING
In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom the child made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

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(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(k) The Department shall investigate every report of child abuse or neglect if a violation of a criminal statute is alleged. Officers shall coordinate the planning and execution of the investigation and child protection assessment with the North Dakota Department of Health and Human Services and may (N.D.C.C. § 50-25.1-05):

1. Refer the case to a children's advocacy center for a forensic interview, forensic medical examination, or other services.
2. Conduct interviews with any child involved in the investigation without the consent of a person responsible for the child's welfare.
3. Conduct an interview at a school, child care facility, or any other place where any child involved in the investigation is found.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

317.5 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the North Dakota Department of Health and Human Services. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the North Dakota Department of Health and Human Services.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian (N.D.C.C. § 27-20.3-13; N.D.C.C. § 27-20.3-06):

(a) With a court order authorizing the removal of the child.

(b) Without a court order when there are reasonable grounds to believe that the child is suffering from illness or injury, or is in immediate danger from the child's surroundings, and the child's removal is necessary.

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317.6 INTERVIEWS

317.6.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

317.6.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

317.6.3 INTERVIEWING JUVENILES

If the parents or guardians are not the alleged abusers, a parent of the child should, when practicable, be notified prior to the child being interviewed. If the abuse or neglect is alleged to have occurred in a school or childcare facility, the interview should not take place in any school building or child care facility building where the abuse or neglect is alleged to have occurred.

Prior to conducting an interview on school property, the investigating officer shall notify school officials (N.D.C.C. § 50-25.1-05.6). The notification should include the name of the child, the purpose of the interview and a reference to the statutory authority that allows the interview to be conducted on school property. The investigating officer shall determine who may attend the interview, although school officials may set reasonable conditions as to the time, place and manner of the interview. Care should be taken to minimize disruption of the educational program of the child, other students or school staff.

317.7 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

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In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

317.8 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

317.8.1 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations Division supervisor so an interagency response can begin.

317.9 STATE MANDATES AND OTHER RELEVANT LAWS

North Dakota requires or permits the following:

317.9.1 RELEASE OF REPORTS

Reports of child abuse or neglect shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (N.D.C.C. § 50-25.1-05; N.D.C.C. § 50-25.1-11).

317.9.2 CHILD FATALITY REVIEW PANEL

Child Fatality Review Panels are required to review deaths of children that meet the criteria established by the North Dakota Department of Health and Human Services. This department shall cooperate fully with the panel (N.D.C.C. § 50-25.1-04.3).

317.10 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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Missing Persons

318.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

318.1.1 DEFINITIONS

Definitions related to this policy include (N.D.C.C. § 12-68-03(1)):

High-risk missing person - The missing person is:

(a) 13 years of age or younger.

(b) Regardless of age, believed or determined to be experiencing one or more of the following circumstances:

1. Out of the zone of safety for his/her chronological age and developmental stage.
2. Mentally or behaviorally disabled.
3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
5. In a life-threatening situation.
6. In the company of others who could endanger his/her welfare.
7. Absent in a way that is inconsistent with established patterns of behavior and that cannot be readily explained. Most children have an established and reasonably predictable routine.
8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

(c) An individual who may be at risk of injury or death and (N.D.C.C. § 12-68-03):

1. May be the subject of foul play.
2. May be unable to properly safeguard or care for him/herself due to age (young or old).
3. Suffers from diminished conditions that are potentially untreated/unattended, including:
   (a) Being a patient of a mental institution and is considered potentially dangerous to the patient or to others.
   (b) A demonstrated potential for suicide.
   (c) Possible involvement in a boating, swimming, other sporting accident or a natural disaster.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes when a person's whereabouts is unknown and unexplained for

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a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in the context of the missing person's behavior patterns, plans or routines.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC) and other appropriate state databases relating to missing persons.

318.2 POLICY

The Minot Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

318.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations Division supervisor shall ensure the following forms and kits are developed and available in accordance with this policy, state law, federal law and any missing persons investigations guidelines and procedures:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

318.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction (N.D.C.C. § 12-68-01).

318.4.1 REFERRALS TO OTHER LAW ENFORCEMENT AGENCIES

If it is determined that another law enforcement agency is clearly more appropriate to receive a missing person report, members of this department may refer the report to the other agency. Responsibility for the missing person report shall remain with this department until the other jurisdiction confirms in writing its acceptance of responsibility for the report (N.D.C.C. § 12-68-01(2)).

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318.4.2 REPORTS FROM OTHER LAW ENFORCEMENT AGENCIES
Cases referred to the Minot Police Department from another law enforcement agency shall be accepted unless the Patrol Supervisor determines there is good cause for not accepting. Written confirmation of acceptance of the report should be forwarded within 24 hours of receipt for a referral from a North Dakota law enforcement agency (N.D.C.C. § 12-68-01).

318.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be a high-risk missing person.

(c) Obtain a detailed description of the missing person, the abductor, vehicles and other pertinent information. This includes:

1. Name, age and physical description of the missing person, including tattoos or other unique physical identifiers, and the relationship of the reporting party to the missing person.
2. The missing person’s Social Security number and driver’s license number, if known.
3. Description of any clothing, if known.
4. Description and license number of any motor vehicle that may be involved.
5. Description of any property and credit cards, if known, in the possession of the missing person.
6. Time and place of last known location and the identity of anyone accompanying the person.
7. The extent of any search for the missing person.
8. Whether the person has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits or plans.
9. Whether the missing person has been involved recently in domestic incidents; suffered emotional trauma or life crises; demonstrated unusual, uncharacteristic or bizarre behavior; is dependent on drugs or alcohol; or has a history of mental illness.
10. The current physical condition of the missing person and whether the person is taking prescription medication.
11. If the missing person is a child, determine if the child:
    (a) Is or may be with any adult who could cause the child harm.
    (b) May have been the subject of a parental abduction.

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(c) Has previously run away from home, has threatened to do so or has a history of unexplainable absences for extended periods of time.

(d) Notify a supervisor immediately if there is evidence that a missing person is either a high-risk missing person or may qualify for a public alert, or both (see the Public Alerts Policy).

(e) Broadcast a “Be on the Look-Out” (BOLO) bulletin if the person is under 14 years of age or there is evidence that the missing person is a high-risk missing person. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 14 years of age or may be a high-risk missing person.

(f) Ensure that entries are made into the appropriate missing person networks:

1. Immediately when the missing person is a high-risk missing person (N.D.C.C. § 12-68-03).
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(g) Complete the appropriate report forms accurately and completely and initiate a search as applicable.

(h) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(i) When circumstances permit and if appropriate, attempt to determine the missing person’s location through his/her telecommunications carrier.

(j) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to a high-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

(k) Notify the Bureau of Criminal Investigation (BCI) in a case of a high-risk missing person with the information most likely to aid in the location and safe return of the high-risk missing person (N.D.C.C. § 12-68-03(2)).

318.5.1 BRIEFING

A summary of information on recently reported missing persons should be provided at shift briefings. The summary should include a description of the

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circumstances of the missing person's disappearance, and other information that may be relevant to locating the missing person.

318.5.2 MEDIA

Involving the media may be appropriate under the following circumstances:

(a) A crime is suspected or suspicious circumstances exist.

(b) The missing person may be unable to safeguard or care for him/herself, regardless of age.

(c) The missing person may be considered at risk for suicide.

(d) The missing person may be missing as a result of an accident.

(e) The missing person suffers from a psychological disorder which may endanger him/herself or others.

(f) The missing person suffers from a physical or mental incapacity that may be life threatening if the person is not under the proper care or in possession of appropriate medication.

318.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

318.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Records Section.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

318.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall include, but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

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(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Investigations Division.

(e) Coordinating with the NCIC Terminal Contractor for North Dakota to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

318.7 INVESTIGATIONS DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.
2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Shall provide general information regarding the handling of the case to the person making the report, family members of the missing person or other individuals in a position to assist in the investigation to the extent that disclosure would not adversely affect the investigation (N.D.C.C. § 12-68-02(1)).

(c) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.

(d) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(e) Shall verify and update Criminal Justice Information Services (CJIS), NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(g) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or child care institution (34 USC § 41308).

(h) Should make appropriate inquiry with the coroner or medical examiner.

(i) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.

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1. Biological samples (DNA) obtained shall be forwarded immediately to the appropriate state crime laboratory (N.D.C.C. § 12-68-02).

(j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously, forward the photograph to BCI if appropriate and enter the photograph into applicable missing person networks (34 USC § 41308).

(k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(l) Shall provide general information regarding the handling of the case to the person making the report, family members of the missing person or other individuals in a position to assist in the investigation to the extent that disclosure would not adversely affect the investigation (N.D.C.C. § 12-68-02(1)).

(m) Shall notify the FBI Violent Criminal Apprehension Program (ViCAP) (when appropriate) as soon as is practicable (N.D.C.C. § 12-68-02).

(n) In the case of a high-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

In any case in which a report is taken concerning a person missing under suspected criminal circumstances, the handling investigator should, within 30 days, inform the parents or other appropriate relatives that they may voluntarily give a biological sample for DNA testing or that the Department may collect a biological sample from a personal item belonging to the missing person, if available (N.D.A.C. § 10-17-01-07(3)). All biological samples obtained in missing person cases shall be forwarded immediately to the State Crime Laboratory (N.D.C.C. § 12-68-02(2)).

318.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The Records Sergeant should ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to the agency or the agencies that are stake-holders in the missing person case.

(b) The missing child’s school is notified.

(c) Entries are made in the applicable missing person networks.

(d) When a person is a high-risk missing person, the fact that the person has been found should be reported within 24 hours to BCI.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

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318.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

(d) Where it is reasonably certain the human remains may be related to a Native American burial site, the North Dakota State Historical Society should be consulted.

An unidentified dead person or unidentified human remains shall be transferred to the Coroner for the purpose of identification (N.D.C.C. § 12-68-04(1)).

318.9 CASE CLOSURE

The Investigations Division supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Minot or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

318.10 TRAINING

Subject to available resources, the Administrative Captain should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

1. Assessments and interviews.
2. Use of current resources, such as Mobile Audio Video (MAV).
3. Confirming missing status and custody status of minors.
4. Evaluating the need for a heightened response.

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5. Identifying the zone of safety based on chronological age and developmental stage.

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile, catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., internet use, cell phone use).

(n) Media relations.

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Public Alerts

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

319.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS) local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

319.3 RESPONSIBILITIES

319.3.1 MEMBER RESPONSIBILITIES

Members of the Minot Police Department should notify their supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

319.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible for making the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

319.4 AMBER ALERTS™, BLUE ALERTS AND SILVER ALERTS

The AMBER Alert™, BLUE Alert and SILVER Alert programs coordinate the efforts of law enforcement, the media and the public in an effort to safely recover abducted children, apprehend dangerous criminals and locate endangered elderly people. In the event of a qualifying circumstance, an alert should be generated first, and, if the facts warrant, the alert should be expanded beyond the initial AMBER, BLUE or SILVER Alert.

319.5 AMBER, BLUE AND SILVER ALERTS PROCEDURE

AMBER Alerts are used to locate children during a suspected abduction.

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Public Alerts

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured, killed or abducted a local, state or federal law enforcement officer.

Silver Alerts can be used to locate endangered elderly people.

The ND Response website contains information regarding AMBER, BLUE and SILVER Alert programs and should be used as a reference whenever an activation is being considered.

Dispatchers shall follow the Standard Operating Guidelines for alerts as outlined in the North Dakota Standard Operating Guidelines for Public Safety Answering Points which is located in the Public Alerts binder in the dispatch center.

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Victim and Witness Assistance

320.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources and that the department meets all related legal mandates.

320.2 POLICY

The Minot Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Minot Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

320.3 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims expressing fear of future harm or retaliation. Officers should never guarantee a person qualifies as a victim for purpose of compensation or restitution, but may direct him/her to the proper written department material or available victim resources.

320.4 WITNESSES

Officers should never guarantee a witness's safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

320.5 INVESTIGATIONS

320.5.1 SPECIFIC REQUIREMENTS REGARDING CHILDREN

In order to protect a child victim or witness of a crime, except under N.D.C.C. Title 39 or equivalent ordinance or the child victim of a fire, the name of the child and identifying biographical information may not appear on any public record. Instead, a Jane Doe or Joe Doe designation must appear. Sealed confidential records containing the child's name and necessary biographical information must be kept in order to ensure that no defendant is charged twice (N.D.C.C. § 12.1-35-03).

320.5.2 INVESTIGATION STATUS

Victims and witnesses, upon request, must be informed of the status of the investigation, except where it is determined that disclosure of such information would unreasonably interfere with the investigation, until such time as the alleged offender is apprehended or the investigation is closed (N.D.C.C. § 12.1-34-02).

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Upon the request of an alleged victim of a forced or coerced abortion, the investigating member shall notify the victim not less than 24 hours before initially contacting the suspect (N.D.C.C. § 12.1-41-21).

320.5.3 PRETRIAL RELEASE INVOLVING VIOLENCE

Victims and witnesses in any case involving a crime of violence who are not registered with the VINE network must be given prompt notice by the handling detective/investigator of any hearing in which the arrested person's pretrial release status will be determined (N.D.C.C. § 12.1-34-02).

If the alleged offender in a crime of violence is scheduled to be released before an appearance in court, the custodial authority shall give prompt notice to the victim and witness or, if unavailable, to this department. The handling detective/investigator shall then provide the appropriate notice to the victim or witness.

The handling detective/investigator should assist the victim or witness with registering in the VINE system to make sure that future information is received in a timely manner. A victim or witness who objects to registration may not be required to register with the system.

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Hate Crimes

321.1 PURPOSE AND SCOPE

The Minot Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the federal and state Constitutions and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

321.1.1 FEDERAL JURISDICTION

Federal law prohibits discrimination-based acts. The U.S. Department of Justice (DOJ) may obtain jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, sex, sexual orientation, gender identity or disability (18 USC § 245).

321.2 DEFINITIONS

Definitions related to this policy include (18 USC § 249):

Hate crime - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim.

321.3 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form, and cooperate with prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups about hate crime laws.

321.4 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

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(c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers will take all reasonable steps to preserve evidence that may tend to establish that a hate crime was involved.

(d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.

(f) The assigned officers will include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports will be properly coded as "Hate Crime" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.

(g) The assigned officers should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.

(h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., a possible protection order..

321.5 INVESTIGATIONS DIVISION RESPONSIBILITIES

If a case is assigned to the Investigations Division, the assigned investigator will be responsible for following up on the reported hate crime by:

(a) Coordinating further investigation with the State’s Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals, as needed.

(c) Maintaining statistical data and tracking of suspected hate crimes as indicated or required by state law.

321.5.1 STATE HATE CRIME REPORTING

This department shall report hate crime offenses through North Dakota’s Uniform Crime Reporting (UCR) program at regular intervals as prescribed by rules adopted by the Bureau of Criminal Investigations (BCI).

321.5.2 FEDERAL HATE CRIME REPORTING

The Departmentshould include hate crime data reporting within the Federal Uniform Crime Reporting (UCR) program’s National Incident-Based Reporting System (NIBRS), and summary reporting system reports pursuant to Records Section procedures and in compliance with (28 USC § 534(a)).

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Standards of Conduct

322.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Minot Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this Department or a member's supervisors.

322.2 POLICY

The continued employment or appointment of every member of the Minot Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

322.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

322.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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322.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

322.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and North Dakota constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

322.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

322.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

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322.5.2 ETHICS

(a) Using or disclosing one's status as a member of the Minot Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The City of Minot Employee Handbook outlines the issues of conflict of interest and acceptance of gifts or gratuities.

(d) Misappropriation or misuse of public funds, property, personnel or services.

(e) Any other failure to abide by the standards of ethical conduct.

322.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

322.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

(f) If a member has a personal relationship with a person in violation with this section, such as a family member, that relationship will be brought to the attention of the Chief of Police who will determine if the relationship is in conflict with the members ability to carry out his duties.

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322.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

322.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Minot Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and nonsubpoenaed records.

322.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within a reasonable time of any change in residence address, contact telephone numbers or marital status.

322.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

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(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in an investigation, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any - department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while onduty or while in uniform, or while using any department equipment or system.
3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while onduty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while onduty, on department property or while in any way representing him/herself as a member of this department, except as expressly authorized by City policy, an employment agreement, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, an employment agreement, or the Chief of Police.

(i) Any act on or offduty that brings discredit to this department.

322.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

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(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while onduty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on or offduty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

322.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic accident.

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(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

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SECURITY OF SYSTEMS AND FACILITIES

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

323.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Minot Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, **permanent file** or **file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

323.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

323.3 POLICY

It is the policy of the Minot Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy. The City of Minot has an employee policy that applies to all City employees titled Electronic Communications Police. It can be found on the City intranet website under the Documents section.

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SECURITY OF SYSTEMS AND FACILITIES

323.4 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

323.5 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Patrol Supervisors.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

323.5.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

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323.5.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

323.5.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

323.5.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

323.5.5 BUILDING SECURITY DEVICES

The department is equipped with a door lock system to help ensure the safety of the employees and visitors as well as the security of the property, evidence, and case sensitive information. All employees are assigned a number code and/or identification card or fob that can be used to access the secure areas of the building. If an employee needs to access a secure area and their code does not work, a request should be made to the Administration Commander to grant access to that area. Employees shall not share their code with other employees to access areas they are not permitted to be. If deemed necessary, a supervisor or authorized employee may grant access to another employee by unlocking the secure door for them, but shall not give out their code unless extenuating circumstances exist.

323.6 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

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SECURITY OF SYSTEMS AND FACILITIES

Members shall generally ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should generally be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason except on a limited basis as necessary during a criminal investigation while under supervision of the investigating officer. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

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Report Preparation

324.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution.

324.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, witnesses, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

324.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor.

324.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

(a) All arrests

(b) All felony crimes

(c) Non-felony incidents involving threats or stalking behavior

(d) Situations covered by separate policy. These include:

    (a) Use of Force Policy

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(b) Domestic Violence Policy

(c) Child Abuse Policy

(d) Adult Abuse Policy

(e) Hate Crimes Policy

(e) All misdemeanor crimes where the victim desires a report.

Misdemeanor crimes where the victim does not desire a report shall be documented using the departmentapproved alternative reporting method (e.g., dispatch log).

324.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Any use of physical force by a member of this department (see the Use of Force Policy)

(b) Any firearm discharge (see the Firearms Policy)

(c) Any time a person is reported missing (regardless of jurisdiction) (see the Missing Person Reporting Policy)

(d) Any found property or found evidence

(e) Any traffic accidents above the minimum reporting level (see the Traffic Accident Response and Reporting Policy)

(f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(g) All protective custody detentions

(h) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

324.2.3 DEATH REPORTS

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy.

(a)

(b)

(c)

(d)

(e)

324.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee or occurs on City property. Reports also shall be taken when there is damage to City property or City equipment.

324.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

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(a) The injury is a result of a drug overdose.

(b) There is an attempted suicide.

(c) The injury is major or serious, whereas death could result.

(d) The circumstances surrounding the incident are suspicious and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

324.3 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should ensure that the report is corrected. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

324.4 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

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Media Relations

325.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

325.2 RESPONSIBILITIES

The authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Patrol Supervisors and the designated Public Information Officer may prepare and release information to the media in accordance with this policy and the applicable law.

325.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.

(b) In situations involving multiple law enforcement agencies or other criminal justice agencies every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency.

(c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

325.3 MEDIA ACCESS

Authorized members of the media should be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities. Access by the media is subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Public Information Officer or other designated spokesperson.

(c) Media interviews with individuals who are in custody should not be permitted.

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A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

325.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Patrol Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

325.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

325.4 INFORMATION SUBJECT TO RELEASE

The Department will comply with the North Dakota Attorney General's Law Enforcement Records Checklist which is available on the NDAG website.

325.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained.

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Subpoenas and Court Appearances

326.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Minot Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

326.2 POLICY

Minot Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

326.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

A civil subpoena may be served upon the named member in the subpoena in accordance with N.D.R.Civ.P. Rule 4(d). A criminal subpoena must be personally served upon the member (N.D.R.Crim.P. Rule 17(d)).

Prior to accepting service of a subpoena, witness fees shall be demanded as allowed by law (N.D.R.Civ.P. Rule 45(b)(1)(B); N.D.R.Crim.P. Rule 17(d)).

Notices of Administrative Hearings and Emergency Committal hearings will be treated as a court issued subpoena.

326.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor, shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any civil action stemming from the member's on-duty activity or because of his/her association with the Minot Police Department.

(d) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Minot Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

In the case of a criminal proceeding, the officer shall notify the prosecuting attorney if he/she is called to testify or provide information on behalf of the defense.

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No member shall be retaliated against for testifying in any matter.

326.3.2 CIVIL SUBPOENA
The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

326.3.3 OFF-DUTY RELATED SUBPOENAS
Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

326.4 FAILURE TO APPEAR
Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

326.5 STANDBY
To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

326.6 COURTROOM PROTOCOL
When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the department uniform or business attire. (See Uniform Manual)

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

326.6.1 TESTIMONY
Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

326.7 OVERTIME APPEARANCES
When a member appears in court on his/her off-duty time, he/she will be compensated.

(a) Officers will collect the subpoena fee in lieu of their first half hour of overtime. Officers shall submit an overtime or comp time request for an additional hour to cover up to

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the first hour and a half of time. For additional time spent, submit balance of overtime to the department.

(b) Court Overtime: It is the policy of the Minot Police Department to pay for callback for officers off duty. Court time will be considered a callback. Therefore, if an officer must report early for court, it will be considered a callback and he/she will receive the minimum of 1 1/2 hours of overtime pay.

In the case of a member of the Minot Police Department being subpoenaed when on duty, the fee may be picked up but must be turned into the city's general fund.

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Outside Agency Assistance

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

327.2 POLICY

It is the policy of the Minot Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

327.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Patrol Supervisor's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Patrol Supervisor may authorize, if available, an appropriate number of personnel to assist (N.D.C.C. § 44-08-20). Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by the department will not ordinarily be booked at this department. Only in exceptional circumstances will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

327.3.1 AGREEMENTS

The Chief of Police may enter into agreements with other law enforcement agencies to (N.D.C.C. § 44-08-24; N.D.C.C. § 54-40.3-04):

(a) Assist other state and local criminal justice agencies.

(b) Exchange officers of this department with peace officers of another criminal justice agency on a temporary basis.

327.3.2 INITIATED ACTIVITY

While assisting a peace officer from another agency or acting on behalf of another agency, an officer's assistance shall be limited to the duties, scope and course of employment authorized for an officer of this department (N.D.C.C. § 44-08-24).

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Outside Agency Assistance

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Minot Police Department shall notify his/her supervisor or the Patrol Supervisor and Minot Central Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

327.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive (N.D.C.C. § 44-08-20).

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

327.5 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants with contingent sharing requirements should be documented and updated as necessary by the Administrative Commander. The conditions relative to sharing, the training requirements connected to the use of the supplies and equipment, and those trained in the use of the supplies and equipment should be included in the documentation. Copies of the list should be provided to Minot Central Dispatch and the Patrol Supervisor to ensure proper use in compliance with agreements.

327.6 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Patrol Supervisor.

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Registered Offender Information

328.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Minot Police Department will address issues associated with certain offenders who are residing in the jurisdiction, and how the Department will disseminate information and respond to public inquiries for information about registered offenders (N.D.C.C. § 12.1-32-15).

328.2 POLICY

It is the policy of the Minot Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

328.3 REGISTRATION

328.3.1 ORIGINATING AGENCY

The registration forms and instructions will direct the offender to register with the local law enforcement agency where the offender resides, works or attends school (N.D.C.C. § 12.1-32-15(5)).

Once the forms are acknowledged and signed, copies and all required attachments shall be submitted to the Bureau of Criminal Investigation (BCI).

328.3.2 RESIDING/REGISTERING AGENCY

When the Department receives notice of the offender registration from BCI, the appropriate assigned employee will ensure the offender registers within the appropriate time frame. If the offender fails to register, the assigned employee will take appropriate action to locate the offender as quickly as possible and ensure compliance (N.D.C.C. § 12.1-32-15(2)).

Upon conclusion of the registration process, the employee shall forward the completed registration, biometric data, photographs and DNA sample, if applicable, to the Records Section, which will then send the completed registration to BCI within three days and the DNA samples to the state crime laboratory. If BCI does not receive the offender's completed registration forms within the time expected, it will contact this department so that efforts can be made to locate the offender as quickly as possible (N.D.C.C. § 12.1-32-15(7)).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register (N.D.C.C. § 12.1-32-15(9)).

Employees assigned to register offenders should receive appropriate training regarding the registration process.

328.3.3 CONTENTS OF REGISTRATION

The offender is required to provide all of the following applicable information, and to notify the Department if there are any changes to the following:

(a) Residence address

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(b) Employer address

(c) School information

(d) Motor vehicle

(e) Driver’s license and professional licenses

(f) Email address and social networking information

328.3.4 MODIFICATION OR CHANGES

The offender is responsible for notifying law enforcement regarding any changes including address, employment, school, and other required information, at least 10 days before the change.

If the offender moves outside this jurisdiction, the offender must complete a change of registration at this department before moving and must register with the new law enforcement agency in the new jurisdiction no later than three days after moving.

An offender must inform the Department if the offender plans to travel outside of the United States, at least 21 days before the intended travel (N.D.C.C. § 12.1-32-15).

328.4 MONITORING OF REGISTERED OFFENDERS

A Patrol Division supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration (N.D.C.C. § 12.1-32-15(7)).

This verification should include:

(a) At minimum addresses should be verified every 90 days for lifetime and unassigned offenders and every 180 days for other offenders.

(b) Review of information on state website.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the appropriate agencies or departments.

The Records Sergeant or Patrol Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Minot Police Department personnel, including timely updates regarding new or relocated registrants.

328.5 DISSEMINATION OF PUBLIC INFORMATION

Department members will not unilaterally make a public notification advising the community of a particular registrant’s presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisors. The supervisor should evaluate the request and forward the information to the Chief of Police, if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made (N.D.C.C. § 12.1-32-15(14)).

Upon request, the Department may release conviction and registration information regarding low-risk, moderate-risk or high-risk offenders.

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Members of the public requesting information on registrants should be provided the Office of Attorney General Sex Offender website or the Minot Police Department's website.

328.5.1 RELEASE NOTIFICATIONS

(a) Low-risk offender information may be released to the following:

1. Victims and witnesses to the offense
2. Other law enforcement agencies
3. The public, upon request

(b) Moderate-risk offender information may be released by personal contacts, flyers, telephone contact or review of lists or information to the following:

1. Victims and witnesses to the offense
2. Other law enforcement agencies
3. The public, upon request
4. Offender's employer, where appropriate
5. Public gathering spaces
6.
7.
8.
9.
10.
11.
12. Shopping malls

(c) High-risk offender information may be released in addition to those above by the following:

1. Internet
2. Widespread flyers
3. Community meetings
4. News release
5.
6.

(d) Registrant information that is released should include notification that:

1. The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
2. The information is provided as a public service and may not be current or accurate.

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3. Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
4. The crime for which a person is convicted may not accurately reflect the level of risk.

328.5.2 MANDATORY DISSEMINATION

Relevant and necessary conviction and registration information must be disclosed to the public by the Department, following Attorney General guidelines, if the individual is a moderate or high risk and it is determined that disclosure of the conviction and registration information is necessary for public protection (N.D.C.C. § 12.1-32-15(14)).

Public disclosure may include internet access if the offender:

(a) Is required to register for a lifetime.

(b) Has been determined to be a high risk to the public.

(c) Has been determined to be a high risk to the public by an agency of another state or the federal government.

If the offender has been determined to be a moderate risk, public disclosure must include, at a minimum, notification of the offense to the registered victim and to any agency, civic organization or group of persons who have characteristics similar to those of a victim of the offender.

The Department shall release information regarding a juvenile who is adjudicated delinquent and required to register as a sexual offender or an offender against a child to the superintendent or principal of the school the juvenile attends (N.D.C.C. § 12.1-32-15).

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Major Incident Notification

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

329.2 POLICY

The Minot Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public are properly addressed.

329.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides, suspicious deaths or deaths related to law enforcement activity
- Traffic accidents with fatalities
- Officer-involved shooting, whether on- or off-duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to an employee, whether on- or off-duty
- Death of a prominent Minot official
- Arrest of any department employee or prominent Minot official
- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death
- In-custody deaths
- Any other incident, which has or is likely to attract significant media attention

329.4 PATROL SUPERVISOR RESPONSIBILITIES

The Patrol Supervisor is responsible for making the appropriate notification. The Patrol Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notification as soon as practicable. Notification should be made by using the call notification protocol posted in Minot Central Dispatch.

329.4.1 STAFF NOTIFICATION

See procedural directive.

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Death Investigation

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and the use of appropriate resources and evidence gathering techniques is critical.

330.2 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigations Commander who will notify command staff in accordance with the Major Incident Notification Policy.

330.2.1 CORONER REQUEST

The office of the Coroner shall be called and provided with known facts concerning the time, place, manner and circumstances of the death involving any of the following circumstances (N.D.C.C. § 11-19.1-01(5)):

(a) Obvious or suspected homicidal, suicidal or accidental injury

(b) Firearm injury

(c) Severe, unexplained injury

(d) Occupant or pedestrian motor vehicle injury

(e) An injury to a minor

(f) Fire, chemical, electrical or radiation

(g) Starvation

(h) Unidentified or skeletonized human remains

(i) Drowning

(j) Suffocation, smothering or strangulation

(k) Poisoning or illegal drug use

(l) Prior child abuse or neglect assessment concerns

(m) Open child protection service case on the victim

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(n) Victim is in the custody of the Department of Human Services, county social services, the Department of Corrections and Rehabilitation or other correctional facility or law enforcement

(o) Unexplained death or death in an undetermined manner

(p) Suspected sexual assault

(q) Any other suspicious factor

Any reasonable requests from the Coroner, such as completion of reports, forms, scene preservation or coordination of decedent transportation should be satisfied.

330.2.2 SEARCHING DEAD BODIES

The Coroner or an assistant and authorized investigators are generally the only persons who should move, handle or search a body. The Coroner, with the permission of the Department, may take property, objects or articles found on the deceased or in the deceased's immediate vicinity that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.

Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner, the investigating officer should first obtain verbal consent from the Coroner when practicable.

An officer may make a reasonable search of an individual who is reasonably believed dead, or is near death, for the purpose of identification or for information identifying the individual as a donor. If a donor document is located, the Coroner shall be promptly notified.

Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Coroner. The name and address of this person shall be included in the narrative of the death report.

Whenever personal effects are removed from the body of the deceased by the Coroner, a receipt shall be obtained. This receipt shall be attached to the death report.

330.2.3 DEATH NOTIFICATION

When reasonably practicable, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident or any other designated department member. A chaplain can be there to assist in the response of the individual/family to the notification. The chaplain can provide comfort and consolation to the bereaved. He can aid in contacting clergy and other support. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

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330.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner will issue a “John Doe" or "Jane Doe” number for the report.

330.2.5 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Department, all available identifying features of the unidentified body, including dental records, fingerprints, any unusual physical characteristics and a description of clothing or personal belongings found on or with the body, should be forwarded to the appropriate agency for entry into the North Dakota Criminal Justice Information Sharing (NDCJIS) database and the National Crime Information Center (NCIC) file.

330.2.6 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form. In addition, an officer should complete an infant death investigation checklist during any unexplained infant death investigation.

330.2.7 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide, any suspicious circumstances or if the manner of death cannot be determined, the officer shall take steps to protect the scene. The Investigations Division shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

If the on-scene supervisor, through consultation with the Patrol Supervisor or Investigations Division supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The assigned investigator investigating a homicide or a death under suspicious circumstances may, with the approval of his/her supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

330.2.8 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment, may ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified by telephone or teletype with all pertinent information.

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Identity Theft

331.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

331.2 REPORTING

(a) Officers shall complete a report for identity theft upon request from any victim who resides within the City. The victim shall be given a copy of the report (N.D.C.C. § 51-31-04(1)).

1. If the suspected identity theft crime did not occur within the City's jurisdiction, an officer may forward the report to the agency having jurisdiction where the crime was committed for further investigation.

(b) If the victim is not a resident of the City, the officer may complete a courtesy report to be forwarded to the agency where the victim resides.

(c) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere but the fraud, usage of services or receipt of goods was acquired or occurred in this jurisdiction).

(d) Officers should include all known incidents of fraudulent activity in the report (e.g., credit card number that was applied for in victim's name when the victim never made such an application).

(e) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and Department of Motor Vehicles) with all known report numbers.

(f) Following supervisory review and department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution, as circumstances dictate.

331.3 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report with the three major credit bureaus.

331.4 INFORMATION

The victim should be encouraged to contact the North Dakota Attorney General's Consumer Protection and Antitrust Division, which assists consumers with completing an Identity Theft Affidavit that the consumer can use to relay his/her identify theft information to creditors and credit bureaus.

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The victim should also be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online or by telephone. Additional information may be found at the U.S. Department of Justice website, or a regional FBI division website.

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Private Person's Arrest

332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for handling private person's arrest and detentions made pursuant to North Dakota law.

332.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Officers should use sound discretion in determining whether to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent an immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

332.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another (N.D.C.C. § 29-06-04; N.D.C.C. § 29-06-20):

(a) When directed by any peace officer to assist a peace officer in an arrest.

(b) For a public offense committed or attempted in the arresting person's presence.

(c) When the person arrested has committed a felony, although not in the arresting person's presence.

(d) When a felony has been committed and the arresting person has reasonable grounds to believe the arrested person committed the felony.

332.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person who has made a private person's arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, to determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.

2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should

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advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Advise the complaintant to place the subject under arrest in the officer's presence.
2. Take the individual into physical custody for booking
3. Take the person before a magistrate (N.D.C.C. § 29-06-18).
4. Release the person upon issuance of a Uniform Complaint and Summons if the offense involved a minor traffic or game and fish offense (N.D.R.Crim.P. Rule 5).

332.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the complainant shall sign the summons as well as complete a full report. When possible, a recorded statement from the complainant should be taken. If the person fails or refuses to do so, the arrested subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the complainant's report (and any other related documents, such as summons), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

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Limited English Proficiency Services

333.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964; § 601; 42 USC § 2000d).

333.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - An employee of the Minot Police Department who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

Bilingual - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communication in a non-English language but insufficiently fluent to interpret or translate from one language into another. A bilingual individual, depending on his/her skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the necessary specialized skills. To be utilized to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence. For purposes of this policy, employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Department, the level of skill and competence such that the Department is able to determine the purposes for which an employee's language skills may be used.

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Interpreter - An individual who engages in the practice of interpreting (N.D.C.C. § 43-52-01).

Interpreting - The translating or transliterating of English concepts to any necessary specialized vocabulary that is used by a consumer, or translating a consumer's specialized vocabulary to English concepts. This includes American sign language, English-based sign language and oral interpreting (N.D.C.C. § 43-52-01).

Limited English Proficient (LEP) - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

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Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

333.2 FOUR-FACTOR ANALYSIS

Since there are potentially hundreds of languages that department personnel could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) LEP *Guidance to Federal Financial Assistance Recipients* available at the DOJ website in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis must remain flexible and requires an ongoing balance of the following four factors:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department personnel, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department personnel, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to create a balance that reasonably ensures meaningful access by LEP individuals to critical services, while not imposing undue burdens on the Department or its personnel.

While this department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

333.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid mistakes when identifying a language.

333.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where reasonably available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense.

Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

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Limited English Proficiency Services

333.3.1 BILINGUAL STAFF

Personnel utilized for LEP services need not be certified as interpreters but must have demonstrated, through established department procedures, a level of competence to ascertain whether his/her language skills are best suited to monolingual communication, interpretation, translation, or all or none of these functions.

All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when acting as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language. When bilingual personnel from this department are not available, personnel from other City departments who have the requisite training may be used.

333.3.2 WRITTEN FORMS AND GUIDELINES

This department will determine the most frequently used and critical forms and guidelines, and translate these documents into the languages most likely to be requested. The Department will make these translated forms available to department personnel and other appropriate individuals.

333.3.3 AUDIO RECORDINGS

The Department may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

333.3.4 TELEPHONE INTERPRETER SERVICES

The Patrol Supervisor and the PSAP Manager will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist personnel in communicating with LEP individuals via official cellular telephones.

333.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Where competent bilingual department personnel or other City-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring law enforcement agencies, university language and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, is generally not recommended. Department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance, see Section VI(A) of the *DOJ Final Guidance* available at the DOJ website).

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333.4 LEP CONTACT SITUATIONS AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize language services so that these services may be targeted where they are most needed. A supervisor should be informed of any service requests other than those provided by the Department.

Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

333.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals who are seeking routine access to services and information by utilizing the resources listed in this policy.

333.4.2 EMERGENCY CALLS TO 9-1-1

When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Minot Central Dispatch, the call-taker should immediately connect the LEP caller to the interpreter.

If an appropriate authorized interpreter is not available, the call-taker will promptly connect the LEP caller to the contracted telephonic interpretation service directly for assistance in completing the call. Dispatchers will make every reasonable effort to dispatch a bilingual officer to the assignment if one is available.

The Minot Police Department will take reasonable steps and will work with the Human Resource Department to hire and develop in-house language capacity in Minot Central Dispatch by hiring qualified personnel with specific language skills.

333.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and protective orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services and utilize the methods outlined in this policy to provide appropriate language assistance.

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Although not every situation can be addressed in this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. For example, it would be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

333.4.4 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allow for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

333.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

To ensure that translations during criminal investigations are documented accurately and are admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is under the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, symptoms of withdrawal from certain medications or the need to segregate the arrestee from other prisoners. Therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

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333.4.6 COMPLAINTS

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

333.4.7 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to programs and services to LEP individuals and groups.

333.5 TRAINING

To ensure that all personnel who have contact with the public or with those in custody are properly trained, this department will provide periodic training on LEP policies and procedures, including how to access department-authorized, telephonic and in-person interpreters and other available resources.

The Administrative Captain shall be responsible for ensuring all new personnel receive LEP training and that all personnel receive refresher training at least once every two years thereafter. The Administrative Captain shall maintain records of all LEP training provided, with a copy in each member’s training file, in accordance with established records retention schedules.

333.6 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES

Materials that will be made available to employees to assist in providing access and service to LEP individuals include:

(a) A list of department bilingual employees, languages spoken and contact and shift information.

(b) A list of department-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information.

(c) The telephone number and access code of telephonic interpretation services.

(d) Language identification cards.

(e) Translated *Miranda* warning cards and other frequently used documents.

(f) Audio recordings/warnings that are developed in non-English languages.

333.7 MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

333.7.1 LEP COORDINATOR

The Chief of Police will appoint an LEP coordinator who is responsible for coordinating and implementing all aspects of the Minot Police Department services to LEP individuals.

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Limited English Proficiency Services

The LEP coordinator shall assess demographic data, review the utilization data obtained from the contracted language access services, and consult with community-based organizations annually to determine if there are additional languages into which vital documents should be translated.

The LEP coordinator will also be responsible for annually reviewing all new documents issued by the Minot Police Department to assess whether they should be considered vital documents and be translated.

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Communications with Persons with Disabilities

334.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind

334.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

334.2 POLICY

It is the policy of this department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

334.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Division Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Minot Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

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(d) Ensuring that a list of qualified interpreter services is maintained and available to each Patrol Supervisor and PSAP Manager. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

334.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

334.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Minot Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

334.6 TYPES OF ASSISTANCE AVAILABLE

Minot Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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334.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

334.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

334.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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334.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

334.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

334.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

334.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each member and/or supervisor must assess each such situation and consider the length, complexity and importance of the communication in determining the type of resources to use and determining whether a qualified interpreter should be sought to ensure effective communication.

Although every situation cannot be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the involved member is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

334.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, Personal Communications Device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

334.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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Communications with Persons with Disabilities

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

334.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

334.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

334.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

334.17.1 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

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(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Administrative Captain shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Administrative Captain shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

334.17.2 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Minot Central Dispatch members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

334.18 INTERPRETER REQUIRED

Specific circumstances require interpreter services:

(a) An interpreter must be appointed immediately after a deaf person is arrested for any alleged violation that may result in imprisonment or a fine in excess of $100 (N.D.C.C. § 28-33-02(2)). No attempt shall be made to interrogate or take a statement from a deaf person who has been arrested until a qualified interpreter is appointed. Any interrogation or statement of the deaf person shall be made through the interpreter (N.D.C.C. § 28-33-02(2)).

(b) A deaf person involved in any proceeding or receiving any services from this department shall be informed of his/her right to a qualified interpreter. The interpreter will (N.D.C.C. § 28-33-02(3)):

1. Interpret or translate the action of any department personnel providing any services.

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2. Assist the deaf person in communicating.

(c) If the property of a person is seized incident to a lawful arrest or search, the seizing officer shall, upon request, make available to the person at the earliest possible time a qualified interpreter who will assist the person in understanding his/her rights and the possible consequences of the seizure (N.D.C.C. § 28-33-02(3)).

An officer may require a person requesting an interpreter to furnish reasonable proof of the person's disability when the officer has reason to believe that the person is not disabled. Failure of any person to request an interpreter shall not be deemed a waiver of the right to an interpreter (N.D.C.C. § 28-33-03).

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Biological Samples

335.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction and or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

335.2 POLICY

The Minot Police Department will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state through voluntary consent or with a court order and with as little reliance on force as practicable (N.D.A.C. § 10-17-01-03(3)).

335.3 PERSONS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

Those who must submit a biological sample include (N.D.C.C. § 31-13-03; N.D.A.C. § 10-17-01-03):

(a) A qualifying offender who has not previously had a sample collected for inclusion in the law enforcement DNA database.

(b) A qualifying offender 18 years of age or older who has been arrested and booked for the commission of a felony offense.

335.4 PROCEDURE

When an individual is required to provide a biological sample, an officer shall attempt to obtain the sample in accordance with this policy and approved sampling techniques (N.D.C.C. § 31-13-04; N.D.A.C. § 10-17-01-04).

335.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Confirm the individual's identity, before the samples are collected, by one or more of the following: a driver's license, fingerprints, department database, or any other reasonable means within the Department's discretion (N.D.A.C. § 10-17-01-04(3)).

1. The crime lab will only accept samples when index fingerprints have been taken.

(b) Verify that the individual is required to provide a sample pursuant to law (N.D.C.C. § 31-13-03; N.D.A.C. § 10-17-01-03).

(c) Verify that a biological sample has not been previously collected from the offender by querying the state database. There is no need to obtain a biological sample if one has been previously obtained.

(d) Use and complete the designated buccal swab collection kit to perform the collection and take steps to avoid cross contamination (N.D.A.C. § 10-17-01-04(1)).

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(e) Submit the completed collection kit in accordance with crime lab rules (N.D.C.C. § 31-13-04).

335.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. The supervisor shall review and approve any plan to use force and be present to document the process (N.D.A.C. § 10-17-01-03(2)).

Methods to consider when seeking voluntary compliance include contacting:

(a) The person’s parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person’s next court appearance.

(d) The person’s attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

335.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with established records retention schedules.

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Chaplains

336.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Minot Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

336.2 POLICY

The Minot Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

336.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.

(b) Managing their households, families and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful completion of an appropriate-level background investigation.

(e) Must be ecclesiastically certified and/or endorsed, ordained, licensed or commissioned by a recognized religious body.

(f) Possession of a valid driver's license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

336.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Minot Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

336.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

336.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

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(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Chief of Police and the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

336.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Minot Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Minot Police Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all appearance standards of this department.

336.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration Division Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Patrol Supervisor.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

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(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

336.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Minot Police Department.

336.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteers Policy and other applicable policies.

336.7.2 OPERATIONAL GUIDELINES

(a) Chaplains may be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.

(b) Generally, each chaplain will serve with Minot Police Department personnel a minimum of eight hours per month.

(c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.

(d) Chaplains shall be permitted to ride with officers during any shift and observe Minot Police Department operations, provided the Patrol Supervisor has been notified and has approved the activity.

(e) Chaplains shall not be evaluators of members of the Department.

(f) In responding to incidents, a chaplain shall never function as an officer.

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(g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(h) Chaplains shall serve only within the jurisdiction of the Minot Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

336.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

336.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Patrol Supervisor or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

336.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

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(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

336.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

336.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Minot Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Minot Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

336.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Administrative Captain, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide

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- Officer injury or death
- Sensitivity and diversity

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Service Animals

337.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Minot Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act (ADA) and North Dakota law to permit the use of service animals that are individually trained to assist a person with a disability.

337.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

337.2.1 STATE LAW

A “service dog” means any dog trained to do work, perform tasks, or provide assistance for the benefit of an individual with a disability. The term includes an animal trained to provide assistance to an individual with a disability, pull a wheelchair, lend balance support, retrieve dropped objects, or provide assistance in a medical crisis (N.D.C.C. § 25-13-01.1).

337.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

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337.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Minot Police Department affords to all members of the public (N.D.C.C. § 25-13-02; N.D.C.C. § 25-13-02.1).

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, the employee may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the partner/handler takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to the individual with a disability.

If it is apparent or if the department member is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be asked questions about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to permit service animals to accompany their partner/handler in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of their disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

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Volunteers

338.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, licensed officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

338.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

338.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as a volunteer include:

(a) At least 18 years of age for all positions other than Explorer.

(b) At least 14 years of age for Explorer.

(c) A valid driver's license if the position requires vehicle operation.

(d) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.

(e) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to moral turpitude or any crime related to impersonating a peace officer.

(f) No conviction of a misdemeanor crime within the past 10 years, excluding petty traffic offenses.

(g) No condition of mental illness or chemical dependency that may adversely affect the person's ability to serve in the position.

(h) Physical requirements reasonably appropriate to the assignment.

(i) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

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338.2 VOLUNTEER MANAGEMENT

338.2.1 SCREENING

All prospective volunteers should complete the volunteer application form. A face-to-face interview with the applicant will be conducted by the approved designee.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check

(b) Employment

(c) References

Additional testing may be required of each applicant depending on the type of assignment.

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals shall require submission of prints and clearance through the North Dakota Bureau of Criminal Investigation (BCI) and the FBI.

338.2.2 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and documentation.

At the time of final acceptance, each volunteer should complete all necessary enrollment documentation and will receive a copy of the job description and agreement of service with the Department.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and with the needs of the Department.

338.2.3 EMPLOYEES WORKING AS RESERVE

Licensed employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (example: a detention officer working as a reserve officer for reduced or no pay). Therefore, the authorized representative should consult the Human Resource Department prior to an employee serving in a reserve, auxiliary or volunteer capacity (29 CFR 553.30).

338.2.4 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor.

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Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are licensed officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or guideline in this manual refers to a licensed officer, it shall also apply to a volunteer, unless by its nature it is inapplicable.

338.2.5 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication or other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

(e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

338.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers, provided the supervising volunteer is under the direct supervision of a paid staff member.

(a)

(b)

(c)

338.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

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Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

338.5 PROPERTY AND EQUIPMENT

Volunteers will be issued a visitors pass that must be worn and visible at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

338.5.1 VEHICLE USE

Volunteers assigned to duties or assignments that require the use of a vehicle must first complete:

(a) A driving safety briefing.

(b) Verification that the volunteer possesses a valid driver's license.

(c) Verification that the volunteer carries current vehicle insurance.

The authorized representative should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a vehicle provided by the department, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and is being operated for maintenance purposes only; that it is being operated during an approved skills course; that it is being used to transport equipment; that it is being used to provide supplementary assistance under the direction of an on-duty licensed officer. Volunteers are not authorized to operate a vehicle provided by the department for enforcement patrol operations or under emergency conditions (lights and siren).

338.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDT and shall comply with all related provisions. The authorized representative should ensure that radio and database access training is provided for volunteers whenever necessary.

338.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the authorized designee . Volunteers shall have no property interests in their continued

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appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing. The hearing shall be limited to a single appearance before the Chief of Police or the authorized designee.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

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Native American Graves Protection and Repatriation

339.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

339.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

339.2 POLICY

It is the policy of the Minot Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

339.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene, other than scene preservation activity, must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- When appropriate, the Coroner
- When appropriate, the State Historical Society of North Dakota
- When appropriate, a forensic anthropologist
- Federal land - Appropriate agency at the U.S. Department of the Interior or the U.S. Department of Agriculture
- State land - Appropriate North Dakota land management agency
- Tribal land - Responsible Indian tribal official

339.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to its identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

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Off-Duty Law Enforcement Actions

340.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others, at great risk and requires careful consideration. This policy is intended to provide guidelines for officers of the Minot Police Department with respect to taking law enforcement action while off-duty.

340.2 POLICY

Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency. Part-time officers of this department are prohibited by state law from exercising peace officer duties when off-duty (N.D.C.C. § 12-63-02.1(4)).

When the safety of the public or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers are not expected to place themselves in unreasonable peril. However, any licensed member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death or significant property damage may take reasonable action to minimize the threat.

340.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and department policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage taken any drugs or medications or a combination thereof that would tend to adversely affect the member's senses or judgment.

340.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

(a) The tactical disadvantage of being alone and that there may be multiple or hidden suspects.

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(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, oleoresin capsicum (OC) spray or a baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening.

340.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the off-duty officer if possible.

Whenever practicable, the off-duty officer should loudly and repeatedly identify him/herself as an officer with the Minot Police Department until acknowledged. Official identification should also be displayed.

340.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

340.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

340.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

340.5 REPORTING

Any officer, prior to taking any off-duty enforcement action, shall notify and receive approval of a supervisor at the Minot Police Department (or other applicable law enforcement authority) if acting outside the jurisdiction of the Minot Police Department. If prior contact is not reasonably possible, the officer shall notify the applicable local law enforcement agency as soon as reasonably practicable. The Patrol Supervisor shall determine whether a report should be filed by the officer.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Department Use of Social Media

341.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

341.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

341.2 POLICY

The Minot Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

341.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member’s chain of command.

341.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

341.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

341.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Minot Police Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

341.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

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341.6 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intraorganizational cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Minot, identify community needs, provide support and assistance to the community, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours a day seven days a week.

Patrol will generally provide services within the limits of available resources. These include:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and accidents, the maintenance of public order and the discovery of hazardous situations or conditions.

(b) Crime prevention activities, such as residential inspections, business inspections and community presentations.

(c) Calls for service, both routine and emergency.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the patrol and other divisions within the Department, as well as other government agencies.

(h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.

(i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Minot Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism-related and should document such incidents with a written report or Field Interview (FI).

The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Investigations Division supervisor in a timely fashion. The Investigations Division supervisor shall review all terrorism-related reports as soon as practicable and contact the North Dakota

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Department of Emergency Services, Homeland Security Division when there is a reasonable suspicion that a terrorism threat exists.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Minot Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Minot Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

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Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review Mobile Audio Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.

1. Supervisors should document these periodic reviews.
2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Section.

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Crime and Disaster Scene Integrity

402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

402.2 POLICY

It is the policy of the Minot Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

402.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

402.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

402.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

402.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

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SWAT TEAM

403.1 PURPOSE AND SCOPE

The SWAT team has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. The SWAT team is made up of 5 separate elements that work together to form the SWAT team, those elements are; Tactical, Crisis Negotiations, Marksman, Tactical Emergency Medics, and Support. Personnel for the team are drawn from the Minot Police Department, Ward County Sheriff's Office, Minot Fire Department, and Trinity Health or other apporved medical facility..

403.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to SWAT is divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident, and because such events often demand on-scene evaluation, the Operational Policy outlined in this section serves as a guideline to department personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

403.1.2 CRISIS NEGOTIATION TEAM DEFINED

Crisis Negotiations Team (CNT) - A designated unit of personnel, which may be a multi jurisdictional team, that is specifically trained and equipped to provide skilled communicators whose goal is to de-escalate and affect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

403.1.3 TACTICAL TEAM DEFINED

Tactical Team (TAC)- A designated unit of law enforcement officers, which may be a multi jurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts, and other high risk incidents. As a matter of department policy, such a unit may also be used to serve high risk warrants, both search warrants and arrest warrants, where public and officer safety issues warrant the use of such a unit.

403.1.4 SWAT COMMANDER DEFINED

SWAT Team Commander - Selection of the SWAT Commander shall be made by the Special Operations Group Commander and appointed by the Chief of Police. Their role is to coordinate and manage the five (5) teams that make up the SWAT team. They will have overall responsibility for team operations. The commander shall be responsible for scheduling team training, selection and appointment of personnel to the five (5) teams, as well as to serve as the incident commander when the SWAT team is activated. All requests for the activation of the team or any parts of the team shall be made to the SWAT Commander for review.

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403.1.5 MARKSMAN TEAM DEFINED
Marksman Team (SNIPER) - A designated unit of law enforcement officers highly trained and equipped with long rifles to provide precision lethal cover at varying distances for the tactical elements of the team. They will also provided real time intel to the SWAT Commander through the use of rifle scopes, spotting scopes, and binoculars.

403.1.6 TACTICAL EMERGENCY MEDICS DEFINED
Tactical Medics (TEMS) - A unit of sworn or non-sworn personnel trained to provide emergency medical care in hostile conditions to innocent civilians, officers, and subjects. The intent of the unit is to provide immediate stabilizing care and evacuation of injured persons as some incidents take place far from advanced medical care facilities. Members of this unit are drawn from the Minot Fire Department, local ambulance services, and local medical facilities. This unit may contain a physician from a local medical facility if there is qualified interest in the position.

403.1.7 SUPPORT TEAM DEFINED
Support Team - A unit of sworn officers attached to the SWAT team and working directly under the SWAT Commander, tasked with a variety of duties in support of the team's operation. Those duties include driving team vehicles, scribe for the team commander, liaison with local authorities when out of jurisdiction, drone pilots, and other duties as assigned.

403.2 POLICY
It is the policy of this department to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and control

(b) Containment

(c) Entry/apprehension/rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of human life is paramount.

403.2.1 POLICY CONSIDERATIONS
Annually, the SWAT Commander shall ensure the team's capabilities meet those established by the North Dakota Special Operations Committee. A report of the team's capabilities shall be forwarded to that committee by the commander.

403.2.2 ORGANIZATIONAL PROCEDURES
This department may develop a separate written set of organizational procedures that may address, at minimum, some of the following:

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(a) Locally identified specific missions the team is capable of performing

(b) Team organization and function

(c) Personnel selection and retention criteria

(d) Training and required competencies

(e) Procedures for activation and deployment

(f) Command and control issues, including a clearly defined command structure

(g) Multi-agency response

(h) Extra jurisdictional response

(i) Specialized functions and supporting resources

403.2.3 OPERATIONAL PROCEDURES

This department may develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's suggested SWAT best practices. Because such procedures are specific to SWAT members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures may include some of the following elements:

(a) Personnel responsible for developing an operational or tactical plan should be designated prior to, and/or during SWAT operations (time permitting).

1. All SWAT team members should have an understanding of operational planning.
2. SWAT team training should consider planning for both spontaneous and planned events.
3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

1. When reasonably possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.

(d) A threat assessment is to be worked through prior to initiating a tactical action. This will determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator should be defined.

(f) The threat assessment shall determine whether a warrant should be regarded as high risk should be developed.

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(g) A method for deciding how best to serve a high-risk warrant should be developed, with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) The elements of post-incident scene management should include:

1. Documentation of the incident.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SWAT team.
    (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments. It also helps to identify training needs and reinforces sound risk management practices.
    (b) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.
    (c) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis should be included.

(j) Standardization of equipment should be addressed.

403.3 TRAINING NEEDS ASSESSMENT

The SWAT commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

403.3.1 INITIAL TRAINING

Those officers selected as members of the SWAT will attend the next available department-approved basic SWAT course. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Department.

403.3.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training to maintain operational readiness.

403.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.

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Command personnel who may assume incident command responsibilities should attend a SWAT or critical incident commander course or its equivalent. SWAT command personnel should attend a SWAT commander or tactical commander course or its equivalent that has been approved by the Department.

403.3.4 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

403.3.5 SCENARIO-BASED TRAINING
SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

403.3.6 TRAINING DOCUMENTATION
Individual and team training shall be documented and records forwarded to the Administrative Commander or their designee. Such documentation shall be maintained in each member's individual training file. The SWAT Commander may also maintain a training file.

403.4 UNIFORMS, EQUIPMENT AND FIREARMS

403.4.1 UNIFORMS
SWAT teams from this department should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

403.4.2 EQUIPMENT
SWAT teams from this department should be adequately equipped to meet the specific mission identified by the Department.

403.4.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units and the supporting resources should be department-issued or approved, including any modifications, additions or attachments.

403.4.4 OPERATIONAL READINESS INSPECTION
The SWAT commander or his designee shall perform an operational readiness inspection of all unit equipment at least annually. The inspection will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicle.

403.5 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES
The CNT has been established to provide skilled verbal communicators, who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the CNT.

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SWAT TEAM

403.5.1 SELECTION OF PERSONNEL

Interested personnel, who are off probation and have eighteen months on the department shall submit an application for special assignment to the SWAT Commander. Qualified applicants will then be invited to an oral interview. The oral board will consist of the CNT team leader and designees'. Interested personnel shall be evaluated by certain criteria, which include:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and an understanding of the critical role of a negotiator and the negotiation process.

(c) Effective communication skills to ensure success as a negotiator.

(d) Special skills, training or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations.

The oral board shall submit a list of successful applicants to the Chief of Police or his designee for final appointment.

403.5.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the CNT should attend a department-approved basic negotiator's course. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the CNT Team Leader.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training to maintain proper skills. This will be coordinated by the team leader.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the team leader. Performance and efficiency levels established by the team leader will be met and maintained by all team members. Any member of the CNT who performs or functions at a level less than satisfactory shall be subject to dismissal from the CNT.

403.6 SWAT TEAM ADMINISTRATIVE PROCEDURES

The SWAT team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SWAT team.

403.6.1 SELECTION OF PERSONNEL

Interested licensed personnel who are off probation and have eighteen months on the department shall submit an application for special assignment to the SWAT Commander. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWAT commander. The testing process will consist of an oral board, physical agility test, a SWAT basic handgun and team evaluation.

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(a) Oral board: The oral board will consist of personnel selected by the SWAT Commander. Applicants will be evaluated by certain criteria, which include:

1. Recognized competence and ability as evidenced by performance.
2. Review of the applicant's use of force incidents while employed with the Minot Police Department.
3. Consideration of any off-duty firearm discharges (accidental, negligent, etc.) within the previous three (3) years. Any unintentional firearm discharge while on-duty, or during department approved training, will disqualify an officer from eligibility with the SWAT team.
4. Demonstrated good judgment and an understanding of the critical role of a SWAT team member.
5. Special skills, training or appropriate education as it pertains to the assignment.
6. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of SWAT-related duties. The test and scoring procedure will be established by the SWAT commander. The physical test is pass/fail and applicants must pass to move ahead in the process.

1. Administration of the physical agility test shall be conducted by the SWAT commander and/or his designee.

(c) SWAT basic handgun: Candidates will be invited to shoot the ND SOC SWAT course for the handgun. Candidates must qualify with a passing score set forth by the SOC

(d) Team evaluation: Current team members shall have input regarding the candidates submitted verbally, and written to the SWAT Commander.

(e) Team member selection will ultimately be approved by SWAT Commander and Special Operations Commander, and submitted to the Chief of Police for appointment.

403.6.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the SWAT commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the SWAT team.

403.6.3 TEAM RETENTION

Each member of the team's Tactical and TEMS elements shall maintain the minimum qualifications as set forth by the SWAT Commander and the North Dakota Special Operations Committee in the areas of physical fitness and weapons proficiency.

(a) Each year, every member of the Tactical Element and TEMS shall perform a physical fitness test. This test will be the same as the one used during the selection process

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for new members, or other test deemed appropriate by the SWAT Commander. The test is pass/fail.

(b) Any team member failing the test will be notified of the requirement to retest. That team member or team members must arrange to re-take the test within 30 days. Failure to pass the the second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill, or otherwise un-able to take the physical test on the scheduled day, shall make arrangements with the SWAT Commander or designee to take the test within 30 days.

(d) If the member is medically unable to perform the test, the SWAT Commander may place that member on medical leave. Upon medical clearance from the member's physician, the member will have 30 days to schedule the test with the SWAT Commander or their designee.

(e) Team members that have been place on light duty for medical reasons shall keep the SWAT Commander informed as to their status. If that status extends beyond a period of 9 months, the Special Operations Group Commander and Chief of Police should be consulted to determine the proper course of action for the team member and the SWAT Team.

(f) Quarterly each member of the Tactical and Sniper elements as well as the SWAT Commander shall perform the mandatory qualification course for each firearm issued to them by the SWAT team. The courses will be those set forth by the Special Operations Committee. Failure to qualify will require the member to seek remedial training from a weapons instructor approved by the SWAT Commander. Team members who fail to qualify will not be used in SWAT operations until qualified. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(g) Annually, all members of the Tactical, Sniper, and TEMS elements shall receive training for specialty weapons, impact, and less lethal munitions. The training will be consistent with manufacturer guidelines.

403.7 OPERATIONAL GUIDELINES FOR SWAT TEAM

The following procedures serve as guidelines for the operational deployment of the SWAT Team. Generally, the TAC and CNT elements will be activated together. It is recognized, however, that the TAC team may be used in a situation not requiring the physical presence of the CNT, such as warrant service operations. This shall be at the discretion of the SWAT commander.

When SWAT team members receive notification of the team's activation, they shall report to the police department,or designated location without delay. If a team member has consumed alcoholic beverages, taken any drugs or medication, or any combination thereof that would affect the member's judgment within the previous 8 hours of the activation, they **shall not** respond. In that case, the member should notify their team leader of their absence.

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SWAT TEAM

403.7.1 ON-SCENE DETERMINATION
The supervisor in charge at the scene of a particular event will assess whether the SWAT Team response should be considered. Upon final determination by the Patrol Supervisor, the SWAT commander will be notified.

403.7.2 APPROPRIATE SITUATIONS FOR USE OF THE SWAT TEAM
Examples of incidents that may result in the activation of the SWAT Team include:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages have been taken.

(c) Cases of suicide threats that may pose a risk to others.

(d) Arrests of persons reasonably believed to be dangerous.

(e) Any situation in which SWAT could enhance the ability to preserve life, maintain social order and ensure the protection of property.

403.7.3 OUTSIDE AGENCY REQUESTS
Requests for deployment of the Minot Police Department SWAT by other agencies must be authorized by the Chief of Police or his designee.

403.7.4 MULTIJURISDICTIONAL SWAT OPERATIONS
SWAT, including specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, employment agreements or working relationships to support multijurisdictional or regional responses.

(a) If it is anticipated that multi jurisdictional SWAT operations will regularly be conducted, multi-agency and multidisciplinary joint training exercises may be advisable.

(b) Members of the Minot Police Department SWAT team shall operate under the policies, procedures and command of the Minot Police Department when working in a multi-agency situation.

403.7.5 MOBILIZATION OF SWAT TEAM
The on-scene supervisor shall make a request to the Patrol Supervisor for the SWAT Team to respond. The Patrol Supervisor shall then notify the SWAT commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in Minot Central Dispatch, and also available to the Patrol Supervisor. The patrol supervisor should brief the SWAT Commander or designee with the following information, if available:

(a) The number of suspects, known weapons and resources

(b) If the suspect is in control of hostages

(c) If the suspect is barricaded and whether the suspect has refused an order to surrender.

(d) The confidence in the integrity of the established perimeter in having successfully contained the suspect.

(e) The type of crime involved

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(f) If the suspect has threatened or attempted suicide and whether or not they may pose a risk to others.

(g) The location and safe approach to the command post.

(h) Any other important facts critical to the immediate situation.

The SWAT Commander, or designee will determine if a SWAT response would be appropriate or if other alternatives should be explored first. The SWAT Commander, or designee will consult with the Special Operations Group Commander for final authorization.

403.7.6 FIELD UNIT RESPONSIBILITIES

While waiting for the SWAT or CNT team, field personnel should, if safe, practicable and if sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a lethal threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communications with the suspect. Once the SWAT team has arrived, all negotiations should generally be halted to allow the negotiators and SWAT team time to set up.

(f) Be prepared to brief the SWAT commander on the situation.

(g) Plan for and stage anticipated resources.

403.7.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the SWAT team, the Incident Commander shall brief the SWAT commander and team supervisors. Once the Incident Commander authorizes deployment, the SWAT commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the SWAT team. The Incident Commander and the SWAT commander or the authorized designee shall maintain communications at all times.

403.7.8 COMMUNICATION WITH CRISIS NEGOTIATION TEAM PERSONNEL

All persons who are non-Crisis Negotiation Team personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with CNT personnel directly. All non-emergency communications shall be channeled through the CNT commander.

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Ride-Along

404.1 PURPOSE AND SCOPE

The ride-along program provides an opportunity for persons to experience the law enforcement function firsthand. This policy provides the requirements, approval process and hours of operation for the ride-along program.

404.1.1 ELIGIBILITY

The Minot Police Department ride-along program is offered to residents, students and those employed within the City. Reasonable efforts should be made to accommodate interested persons. Any applicant may be disqualified without cause from participating in the program.

Factors that may be considered in disqualifying an applicant include, but are not limited to:

- Being under 18 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

404.1.2 AVAILABILITY

The ride-along program is available on most days of the week. The department will respond with a riding assignment on a first come, first served basis. Persons studying criminal justice or engaged in criminal justice research will be given priority. Only one rider will be allowed in each car. No more than two cars will have riders at any one time.

404.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Supervisor. The participant will complete and sign a ride-along waiver form. Information requested will include a valid drivers license, address and telephone number. If the participant is under 18 years of age, there needs to be a specified reason with a supervisor's approval as well as a parent/guardian must be present to complete the ride-along form.

The Patrol Supervisor will schedule a date, based on availability, preferably at least one week after the date of application. If approved, the ride-along will be entered into the scheduling book and a copy of the ride-along waiver form will be forwarded to the Administrative Commander.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

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404.2.1 PROGRAM REQUIREMENTS
Once approved, civilian participants will be allowed to ride no more than once every six months. An exception would apply to the following: college interns, cadets, Explorers, qualified volunteers, chaplains, reserves, auxiliary and police applicants with approval of the Patrol Supervisor.

Ride-along requirements for police cadets are covered in the Police Cadets and Explorers Policy.

404.2.2 SUITABLE ATTIRE
Any person approved to ride-along is required to be suitably dressed in a business casual attire and shoes. Sandals, t-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Patrol Supervisor or field supervisor may refuse a ride-along to anyone not properly dressed.

404.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Patrol Supervisor. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent him/herself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

404.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK
All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check, ND Courts and a wants and warrantscheck prior to approval as a ride-along participant (provided that the participant is not an employee of the Minot Police Department).

404.3 OFFICER'S RESPONSIBILITIES
The officer shall advise the dispatcher that a ride-along participant is present in the vehicle before going into service. Officers shall consider the safety of the participant at all times.

Officers should use sound discretion when encountering a potentially dangerous situation. Ride alongs shall not be a passenger during a high-speed pursuit. If practicable, the participant should be let out of the vehicle in a safe, well-lighted place. The dispatcher will be advised of the situation and as soon as practicable have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the Patrol Supervisor.

The Patrol Supervisor is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the ride-along waiver form shall be forwarded to the Administrative Commander with any comments that may be offered by the officer.

404.4 CONTROL OF RIDE-ALONG
The officer shall maintain control over the participant at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include the following:

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(a) The participant will follow the directions of the officer.

(b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.

(c) The participant may terminate the ride at any time and the officer may return the observer to his/her home, the place of the ride origin or to the station if the participant interferes with the performance of the officer's duties. If the participant is a juvenile, the parent, guardian, or person responsible will be notified that the ride along was terminated and arrangements to reunite them will be made if necessary.

(d) Ride-along participants may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.

(e) Officers will not allow any participant to be present in any residence or situation that would jeopardize his/her safety or cause undue stress or embarrassment to a victim or any other person.

(f) Under no circumstance shall a civilian participant be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person.

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Hazardous Material Response

405.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees and others as a result of their exposure. To comply with applicable law, the following represents the policy of this department.

405.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance that, by its nature, containment or reactivity, has the capability of inflicting harm during exposure. It is characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby poses a threat to health when improperly managed.

405.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).

(b) Notify the fire department.

(c) Provide first aid to injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(e) Notify the First District Health Unit.

(f) Call the Division of State Radio to request assistance from the North Dakota Department of Emergency Services (NDDES).

405.3 REPORTING EXPOSURE

Department personnel who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an incident report that shall be forwarded via chain of command to the Division

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Commander as soon as practicable. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

405.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

To ensure the safety of department members, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the fire department.

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Hostage and Barricade Incidents

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

406.2 POLICY

It is the policy of the Minot Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

406.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

406.3.1 EMERGENCY COMMUNICATIONS

An officer with supervisory control over an incident in which there is probable cause to believe that an individual could suffer injury or death as a result of the incident may order a telecommunications company to cut, reroute or divert telecommunications transmissions for the purpose of controlling communications (N.D.C.C. § 8-10-11).

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406.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

406.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

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(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

406.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated, if practicable, pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

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(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT and/or SWAT response if appropriate and apprising the SWAT and/or SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Minot Central Dispatch.

(i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or designated temporary media representative provide media access in accordance with the News Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

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Response to Bomb Calls

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Minot Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

407.2 POLICY

It is the policy of the Minot Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

407.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Patrol Supervisor is immediately advised and informed of the details. This will enable the Patrol Supervisor to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

407.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

407.4.1 MINOT POLICE DEPARTMENT FACILITY

If the bomb threat is against the Minot Police Department facility, the Patrol Supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

407.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Minot Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Patrol Supervisor deems appropriate.

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407.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

407.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Minot, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Patrol Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

407.5.1 ASSISTANCE

The Patrol Supervisor should be notified when police assistance is requested. The Patrol Supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Patrol Supervisor determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

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(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, includingnotification and response, or standby notice, for fire and emergency medical services.

Personal should maintain awareness of the possibility of secondary threats during an evacuation.

407.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Patrol Supervisor including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.

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5. The areas to be evacuated or cleared.

407.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

407.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

407.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Patrol Supervisor
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

407.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

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407.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Patrol Supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Mental Illness Commitments

408.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under a mental illness commitment for purposes of a mental health evaluation (N.D.C.C. § 25-03.1-01 et seq.).

408.2 POLICY

It is the policy of the Minot Police Department to protect the public and individuals through legal and appropriate use of mental illness commitments.

408.3 AUTHORITY

When an officer has reasonable cause to believe that an individual requires treatment and there exists a serious and immediate risk of harm to that individual, other persons, or property, and preliminary intervention by a magistrate is not possible, the officer may take the individual into custody and transport him/her to a public treatment facility to be screened for admission (N.D.C.C. § 25-03.1-04; N.D.C.C. § 25-03.1-25).

Should emergency conditions exist that prevent the immediate transportation of the individual to a public treatment facility, a private facility that has adequate resources and capacity may hold the individual for up to 23 hours prior to transfer to a public treatment facility (N.D.C.C. § 25-03.1-25).

If an officer reasonably believes that the individual is not complying with an order for alternative treatment, that the alternative treatment is not sufficient to prevent serious risk of harm, and that considerations of time and safety do not allow intervention by a court, the officer may cause the individual to be taken into custody and detained at a treatment facility as provided by law (N.D.C.C. § 25-03.1-21).

Upon being taken into custody, an officer shall immediately advise the individual of the purpose of custody, of the intended uses and possible effects of any evaluation that the individual undergoes, and of the individual's rights to counsel as well as a preliminary or treatment hearing (N.D.C.C. § 25-03.1-25).

408.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a mental illness commitment, he/she may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the person so desires, the officer should:

(a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person for detention for the purpose of a mental health evaluation.

(b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the person changes his/her mind regarding voluntary evaluation, the officer should proceed with the involuntary detention for the purpose of a mental health evaluation, if appropriate.

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408.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who may qualify for detention for the purpose of a mental health evaluation should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the possible cause and nature of the person's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources that may be readily available to assist with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of officers and others.

Detention for the purpose of a mental health evaluation should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

408.5 TRANSPORTATION

When transporting any individual for a mental illness commitment, the transporting officer should have Minot Central Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in the patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy.

408.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for detention for the purpose of a mental health evaluation and remain present to provide clarification of the grounds for detention, upon request.

If the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process.

408.7 DOCUMENTATION

Upon arrival to the appropriate facility, the officer shall complete and provide an application for evaluation and a detailed written report. The written report must state the circumstances under which the individual was taken into custody and must describe the actions that led the officer to believe the individual requires treatment, and that, because of that person's condition, there exists a serious risk of harm to the individual, another person, or property if the person is not immediately detained (N.D.C.C. § 25-03.1-25).

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The officer should also provide a verbal summary to a receiving facility staff member regarding the circumstances leading to the involuntary detention.

408.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for a mental health evaluation should resolve the criminal matter by issuing a warning, citation, or pursuing an arrest warrant.

When an individual who may qualify for detention for the purpose of a mental health evaluation has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Notify the appropriate supervisor of the facts of the situation.

(b) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for detention.

In the supervisor's judgment, the individual may instead be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of the Department to regain custody of the individual, department resources (posting a guard) and other relevant factors in making this decision.

408.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a mental illness commitment, the handling officer should try to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

408.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, mental illness commitments and crisis intervention.

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Citation Releases

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Minot Police Department with guidance on when to release adults who are suspected offenders on a citation, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

409.2 POLICY

The Minot Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

409.3 RELEASE

Unless prohibited by law or this policy, a suspected offender:

(a) Shall be released on issuance of a citation for non-criminal traffic violations of state law or an equivalent municipal ordinance unless the person is charged with one of the following, in which case the person may be released on issuance of a citation (N.D.C.C. § 39-07-07):

1. Reckless driving
2. Driving in excess of speed limitations
3. Driving while license or driving privilege is suspended or revoked
4. Driving without liability insurance
5. Failing to display a placard or flag while transporting explosive or hazardous materials
6. Operating an unsafe vehicle

(b) Shall be released with a citation and applicable fine for a trespass violation as required by N.D.C.C. § 12.1-22-03.

1. The officer shall take the name and address of the suspected offender, notify him/her of the right to request a hearing if posting bond by mail and provide the offender with an envelope to mail in the bond.
2. The officer is not permitted to accept the fine or bond.

(c) May be released on issuance of a citation for any other offense that occurs in the presence of the issuing officer (N.D.R.Crim.P .5(e)).

409.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when (N.D.C.C. § 39-07-09):

(a) The officer has reason to believe the person is guilty of a felony.

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(b) The person is charged with any of the following offenses:

1. Driving under the influence (DUI)
2. Homicide involving a motor vehicle
3. Leaving the scene of an accident
4. Operating a snowmobile in violation of N.D.C.C. § 39-24-09(5)(b) or N.D.C.C. § 39-24-09(5)(c)
5. Causing an accident with an authorized emergency vehicle or a vehicle operated for maintenance of the state highway system

(c) The person refuses to give a written promise to appear before the magistrate having jurisdiction where the offense was committed (N.D.C.C. § 39-07-08).

(d) The officer at the scene of a traffic accident has a reasonable belief, based on personal investigation, that a nonresident driver involved in a traffic accident will disregard a written promise to appear in court (N.D.C.C. § 29-06-15.1).

(e) The officer reasonably believes the person has violated a court order to participate in the 24/7 Sobriety Program (N.D.C.C. § 29-06-15(3)).

See the Domestic Violence Policy for release restrictions related to those investigations.

409.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

(a) The type of offense committed.

(b) The known criminal history of the suspected offender.

(c) The ability to identify the suspected offender with reasonable certainty.

(d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.

(e) The individual’s ties to the area, such as residence, employment or family.

(f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

409.6 APPEARANCE BEFORE MAGISTRATE REQUIRED

An officer shall immediately take any person not released by citation before the nearest or most accessible magistrate (N.D.C.C. § 39-07-08; N.D.R.Crim.P .5(e)).

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Diplomatic and Consular Contacts

410.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure members of the Minot Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.2 POLICY

The Minot Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

410.3 CLAIMS OF IMMUNITY

Members who have stopped a person who claims diplomatic or consular privileges and immunities should immediately:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she will be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, issued by the DOS Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, issued by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle.

(e) The status of a DOS Office of Foreign Missions (OFM) license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state, if the officer has reason to question the legitimate possession of the license plate.

(f) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and advise the center of the circumstances. In the case of a traffic stop, this DOS contact is mandatory (N.D.C.C. § 39-06.1-15).

(g) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

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410.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed, but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers

410.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports (e.g, citations, accident reports) forwarded to DOS (N.D.C.C. § 39-06.1-15).

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410.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or detained?	Enter residence subject to ordinary process?	Issued traffic citation?	Subpoenaed as witness?	Prosecuted?	Recognized family members?
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No-for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability(note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability

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Diplomatic and Consular Contacts

Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

411.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

411.2 POLICY

The Minot Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

411.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether they have clothing or identification that makes them easily recognizable as police officers.

(b) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(c) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(d) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(e) Whether the suspect can be contained or denied access to victims.

(f) Whether the officers have the ability to effectively communicate with other personnel or resources.

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(g) Whether planned tactics can be effectively deployed.

(h) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (SWAT and/or crisis negotiation team response).

411.4 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

411.5 PLANNING

Critical incident planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

411.6 TRAINING

Trainingshould include rapid response to critical incidents in the training plan. This training should address:

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(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to employees of the Minot Police Department relating to immigration and interacting with federal immigration officials.

412.2 POLICY

It is the policy of the Minot Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

412.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or North Dakota constitutions.

412.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

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412.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

412.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

412.6 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state, or local government entity

412.6.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

412.7 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations Division supervisor assigned to oversee the handling of any related case. The Investigations Division supervisor should coordinate with the department crime victim liaison to:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

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(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

412.8 TRAINING

The Administrative Captain should ensure officers receive training on this policy.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

412.9 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

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Emergency Utility Service

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for addressing City utility service emergencies. This policy will address calls for service that are frequently directed to the Police Department.

413.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter. Any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. The public works department can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practicable by Minot Central Dispatch.

413.1.2 ELECTRICAL LINES

The public works department does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or the public works department should be promptly notified, as appropriate.

413.1.3 RESERVOIRS, PUMPS AND WELLS

The public works department maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

413.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by Minot Central Dispatch.

413.2 TRAFFIC SIGNAL MAINTENANCE

The City of Minot is responsible for maintenance for all traffic signals within the City other than those maintained by the North Dakota Department of Transportation (NDDOT).

413.2.1 OFFICER'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the officer will advise Minot Central Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Patrol Rifles

414.1 PURPOSE AND SCOPE

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Minot Police Department will make patrol rifles available to qualified officers as an additional and more immediate tactical resource.

414.2 PATROL RIFLE

414.2.1 DEFINITIONS

Definitions related to this policy include:

Patrol rifle - An authorized weapon owned or approved by the Department, which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun.

414.3 POLICY

Only weapons and ammunition that meet agency authorized specifications, are approved by the Chief of Police and issued by the Department, may be used by officers in their law enforcement responsibilities.

No personally owned rifles may be carried for patrol duty unless pre-approved in by the Chief of Police or his designee.

The authorized patrol rifle issued by the Department is the AR-15,.223.

414.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles shall fall on the qualified armorer, who shall inspect and service each patrol rifle on a yearly basis.

(b) Each officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.

(c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle to a supervisor or the armorer.

(d) Any patrol rifle found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.

(e) Each patrol rifle shall be subject to inspection by a supervisor or the armorer at any time.

(f) No modification shall be made to any patrol rifle without prior written authorization from the Chief of Police.

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414.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed department training. This training shall consist of an initial patrol rifle user's course and qualification score with a certified weapons instructor. Officers shall thereafter be required to successfully complete yearly firearms proficiency qualification conducted by a certified weapons instructor.

Any officer who fails to qualify during the annual qualification will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officers user's course and qualification.

414.6 DEPLOYMENT OF THE PATROL RIFLE

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the officer reasonably anticipates an armed encounter.

(b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.

(c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.

(d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded person or a person with a hostage.

(e) When an officer reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

414.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Use of Force and Firearm Discharge policies.

414.8 RIFLE STORAGE

(a) When not in use, patrol rifles will be stored in the assigned patrol car or the department weapons locker.

(b) At the start of each assigned shift, any qualified, on-duty officer may contact the Patrol Supervisor or a patrol supervisor for access to the department weapons locker.

(c) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack or locked in the trunk.

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Aircraft Accidents

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

415.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

415.2 POLICY

It is the policy of the Minot Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

415.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

415.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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415.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

415.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Coroner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

415.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

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(d) Evacuation chutes, ballistic parachute systems and composite materials.

415.8 DOCUMENTATION

All aircraft accidents occurring within the City of Minot shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of MPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

415.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

415.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

415.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Aircraft Accidents

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Field Training and Evaluation Program

416.1 PURPOSE AND SCOPE

The Field Training and EvaluationFTEP) is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Minot Police Department.

It is the policy of this department to assign all new police officers to a structured FTEP that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

416.2 FIELD TRAINING OFFICER

The FTO is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

416.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO

(b) Minimum of three years of patrol experience, two of which shall be with this department

(c) Demonstrated ability as a positive role model

(d) Evaluation by supervisors and current FTOs

(e) Will successfully complete the Methods of Instruction (MOI) training and/or be a certified instructor with the ND POST Board; or equivalent training.

(f) Possession of a valid North Dakota peace officer license

416.2.2 TRAINING

Must complete the Basic Field Training Officer Course offered by the Minot Police Department or Kaminsky & Associates, Inc. (Consideration will be given if the officer has attended another class that covers the San Jose Model for the FTEP.)

All FTO's should receive additional training as refresher training..

416.3 FIELD TRAINING AND EVALUATION PROGRAM SUPERVISOR

The FTEP supervisor will be selected from the rank of sergeant or above by the Administration Division Commander or the authorized designee.

The responsibilities of the FTEP supervisor includes:

(a) Assign trainees to FTOs.

(b) Conduct FTO meetings.

(c) Maintain and ensure FTO/trainee performance evaluations are completed.

(d) Maintain, update and issue the field training manual to each trainee.

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(e) Monitor individual FTO performance.

(f) Monitor the overall FTEP.

(g) Maintain liaison with FTO coordinators of other agencies.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTOs.

The FTO Program supervisor will be required to successfully complete a field training administrator's course approved by this department within one year of appointment to this position.

416.4 TRAINEE DEFINED

Trainee - Any entry level or lateral police officer newly appointed to the Minot Police Department, who possesses a valid peace officer license issued by the State of North Dakota.

416.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the field training program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of six weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of FTOs, shifts and geographical areas during the field training program.

416.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

416.6.1 FIELD TRAINING OFFICER

(a) FTOs shall complete and submit a Daily Observation Report (DOR) documenting the performance of their assigned trainee on a daily basis.

(b) FTOs shall review the daily trainee performance evaluations with the trainee each day.

(c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training.

(d) FTOs shall be responsible for signing off on all completed topics contained in the field training manual, noting the method of learning and evaluating the performance of the assigned trainee.

416.6.2 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the daily trainee performance evaluations submitted through the FTO.

The Field Training Administrator will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the field training program. At least annually, the Field Training Administrator will hold a process review meeting with all FTOs to discuss changes needed

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in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forwarded to the Chief of Police for review and approval.

416.6.3 TRAINEE
At the completion of the field training program, the trainee shall submit a performance evaluation of each of his/her FTOs and of the field training program

416.7 DOCUMENTATION

All documentation of the field training program will be retained in the officer's training files and will consist of the following:

(a) Daily trainee performance evaluations

(b) End of phase evaluations

(c) A certificate of completion, certifying that the trainee has successfully completed the required number of hours of field training

416.8 COMPENSATION FOR FTOS

(a) Any FTO responsible for the supervision of a recruit at any point during the FTEP will be compensated with two (2) hours of comp time per day they were assigned to supervise the recruit.FTO's will receive CT based upon the completed DOR.In the event that a FTO shift is split between two FTO's, each will receive 1 hour of CT provided that each FTO fills out a DOR for that day.

(b) Upon completion of each week, the FTO shall submit a CT compensation request to the FTEP supervisor.The FTEP supervisor will ensure FTO's have completed DOR's required before compensation is authorized.(Subsection a.)

(c) This time is "straight time" and is only available to field training officers.

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Contacts and Temporary Detentions

417.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

417.1.1 DEFINITIONS

Consensual encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - This type of search is used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot, and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

417.2 POLICY

The Minot Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

417.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable

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suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Minot Police Department to strengthen community involvement, community awareness, and problem identification.

417.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts that, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual’s:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description of a suspect or clothing worn that matches clothing worn by a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the officer.

417.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer’s training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

(f) Visual indications that suggest the suspect is carrying a firearm or other dangerous weapon.

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Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

417.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

417.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent.

417.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

417.5.3 DISPOSITION OF PHOTOGRAPHS

If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the officer will document and forward the photograph to the Investigations Division.An Investigations supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

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417.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

417.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Department members.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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Criminal Street Gangs

418.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Minot Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

Criminal street gang - Any ongoing organization or group of three or more persons, whether formal or informal, that acts in concert or agrees to act in concert with a purpose that any of those persons alone or in any combination commit or will commit two or more predicate gang crimes (N.D.C.C. § 12.1-06.2-01(3)).

418.2 POLICY

The Minot Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

418.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

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418.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Sergeant may not purge such documents without the approval of the designated supervisor.

418.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

418.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Property Section, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI forms, Minot Central Dispatch records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

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418.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

418.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Administrative Captain to train members to identify information that may be particularly relevant for inclusion.

418.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

418.7 CRIMINAL STREET GANGS

The Investigations Division supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.

(b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.

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(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

418.8 TRAINING

The Administrative Captain should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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PATROL SUPERVISORS

419.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with department policies, procedures, practices, functions and objectives. To accomplish this goal, a sergeant or higher rank heads each watch.

419.2 DESIGNATION AS ACTING PATROL SUPERVISOR

This policy does not preclude designating a less senior officer as an acting Patrol Supervisor when operational needs require.

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Mobile Audio/Video

420.1 PURPOSE AND SCOPE

The Minot Police Department has equipped marked patrol cars with Mobile/Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

420.2 POLICY

It is the policy of the Minot Police Department to use mobile audio and video technology to more effectively fulfill the mission of the Department and to ensure these systems are used securely and efficiently.

420.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Minot Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

If the system is malfunctioning, the officer shall report the problem to the shift commander or supervisor and an equipment repair worksheet will be completed.

420.4 ACTIVATION OF MAV

The MAV system is designed to turn on whenever the unit's emergency lights/siren are activated, a designated vehicle speed is exceeded, or upon vehicle impact. The system will also activate

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when the gun lock release is pushed for the vehicle's rifle/shotgun rack. The system remains on until it is turned off manually.

420.4.1 REQUIRED ACTIVATION OF THE MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
2. Priority responses
3. Vehicle pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Pedestrian checks
9. DUI investigations including field sobriety tests
10. Consensual encounters
11. Crimes in progress
12. Responding to an in-progress call

(b) All self-initiated activity in which an officer would normally notify Minot Central Dispatch.

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

1. Domestic violence
2. Disturbance of the peace
3. Offenses involving violence or weapons

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(d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.

(e) Any other circumstance where the officer believes that a recording of an incident would be appropriate.

420.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For the purpose of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

420.4.3 WHEN ACTIVATION NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation (N.D.C.C. § 12.1-15-02).

420.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. Any time a MAV system is non-functioning and placed into service a report should be left for the Records Sergeant to document the lapse in MAV coverage. An equipment repair form should be filled out to have any non-functioning system repaired as soon as possible.

On reasonable intervals, supervisors should validate that MAV systems are being utilizied according to this policy.

420.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

(a) By a supervisor investigating a specific act of officer conduct

(b) By a supervisor to assess officer performance

(c) To assess proper functioning of MAV systems

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(d) By an investigator participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(e) By department personnel who request to review recordings

(f) An officer who is captured on or referenced in the video or audio data may review such data and use the data for any purpose relating to his/her employment.

(g) By court personnel through proper process or with permission of the Chief of Police or the authorized designee

(h) By the media through proper process or with permission of the Chief of Police or the authorized designee

(i) To assess possible training value

(j) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.

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In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

420.6 DOCUMENTING MAV USE

Any incident that is recorded with either the video or audio system shall be documented in the officer's report.

Upon completion of an incident (traffic stop, call for service, etc.), the officer shall label the digital file according to their training so that it may properly upload to the system server.

420.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recordings will be maintained in accordance with the storage procedures used by the department. All recordings that are not booked as evidence will be disposed of in compliance with the established records retention schedule (N.D.C.C. § 44-04-17.1(16)).

420.7.1 COPIES OF RECORDING MEDIA

Upon proper request, a copy of the original recording will be made for use as authorized in this policy.

Recordings may only be released in response to a court order or in accordance with open records laws and proper department request processes for such records..

420.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer, or against the Minot Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

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420.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.

(b) The MAV system should be configured to minimally record for a set period of time prior to an event.

(c) The MAV system may be configured to record audio data occurring prior to activation.

(d)

(e)

420.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

(a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:

1. Ensures it is stored in a secured location with authorized controlled access.

(c) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

420.10 TRAINING

All members who are authorized to use the MAV system should have functional knowledge of its operation through familiarization sessions with a knowledgable person or by reading operating manuals. Typically this information is passed on through peer training sessions from an officer who has become knowledgeable of the equipment. .

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Mobile Data Terminal Use

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Minot Central Dispatch.

421.2 POLICY

Minot Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

421.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

421.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Patrol Supervisors.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

421.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

421.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Patrol Supervisor or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

421.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

421.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Patrol Supervisor are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

421.6 EQUIPMENT CONSIDERATIONS

421.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Minot Central Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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421.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

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Portable Audio/Video Recorders

422.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Minot Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

422.2 POLICY

The Minot Police Departmentwill provide members with access to portable recorders, commonly referred to as body cameras, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

422.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department.

422.4 MEMBER RESPONSIBILITIES

Prior to going into service on Patrol, each uniformed member who has been assigned a body camera will be responsible for making sure that he/she is equipped with a body camera issued by the Department, and that the camera is in good working order. If the camera is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the camera in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may wear an approved body camera at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable. The body camera shall be worn and activated during situations such as execution of a search warrant or high risk arrest warrant operation, or as directed by a supervisor.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the camera malfunctioned or the member deactivated the camera. Members should include the reason for deactivation.

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422.5 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued body cameras and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained in accordance with theDepartment storage procedures.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of a supervisor. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

422.6 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

(d) Disclosure may be an unreasonable violation of someone’s privacy.

(e) Medical or mental health information is contained.

(f) Disclosure may compromise an undercover officer or confidential informant.

(g) The recording or portions of the recording may be protected under the North Dakota Open Records Law (N.D.C.C. § 44-04-18.7).

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

422.7 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members may review their recordings as a resource prior to filing their report. If necessary, an officer shall explain any discrepencies between their perceptions of

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an event and what is seen in the recording. Members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Records Supervisor or designee prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

422.8 COORDINATOR

The Chief of Police or the authorized designee should designate a coordinator responsible for:

(a) Establishing procedures for the security, storage and maintenance of data and recordings.

(b) Establishing procedures for accessing data and recordings.

(c) Establishing procedures for logging or auditing access.

(d) Establishing procedures for transferring, downloading, tagging or marking events.

422.9 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the body camera should be used, although there are many situations where its use is appropriate. Members should activate the body camera any time the member believes it would be appropriate or valuable to record an incident.

The body camera should be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops

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(c) Self-initiated activity in which a member would normally notify Minot Central Dispatch

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

Members shall not record with body worn cameras while in patient care areas of a health care facility, unless the patient becomes adversarial with the member. If so, the member shall record for law enforcement purposes only, but shall not record patient/clinician conversations whenever avoidable.

At no time is a member expected to jeopardize his/her safety in order to activate a body camera. However, the camera should be activated in situations described above as soon as reasonably practicable.

422.9.1 CESSATION OF RECORDING

Once activated, the body camera should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

422.9.2 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

North Dakota law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (N.D.C.C. § 12.1-15-02).

Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

422.9.3 USE OF PORTABLE RECORDER IN DRUG OFFENSE INVESTIGATIONS

Officers may use a body camera to intercept wire or oral communications in drug offense investigations in compliance with a court order (N.D.C.C. § 29-29.2-02). Upon expiration of the order, the officer designated in the court order shall provide the issuing judge all documents and other information pertaining to the communications pursuant to the order or as required by law.

Intercepted communications shall be maintained in their entirety, without editing or alteration, and shall not be destroyed without a judge's order and in any event must be kept for 10 years.

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422.9.4 EXPLOSIVE DEVICE
Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

422.10 RETENTION OF RECORDINGS
Portable recordings are public records (N.D.C.C. § 44-04-17.1(16)). All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule.

422.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS
Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

422.11 LIVE STREAM OF BODY WORN CAMERAS
Supervisors may log into officers body worn cameras and live stream the officer's activities for purposes of supervision, situational awareness, safety, or to provide assistance. Dispatch and non-supervisory personnel may log into a body worn camera and live stream events for high risk officer safety reasons or when requested by the officer to provide assistance.

Examples of safety reasons to activate the live stream of body worn camera would be, but not limited to:

(a) Officers repeatedly not responding to radio traffic.

(b) Foot pursuits.

(c) Officers calling out an emergency - need immediate assistance situation or activation of a radio emergency button.

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Bicycle Patrol Unit

423.1 PURPOSE AND SCOPE

The Minot Police Department has established the Bicycle Patrol Unit for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility and mobility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

423.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, special enforcement or special events. Its mobility and visibility in the community are hallmarks of its usefulness.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Patrol Supervisor.

423.3 SELECTION OF PERSONNEL

Interested licensed personnel, who are off probation and have two years on the department, shall submit a letter of interest to the Bicycle Patrol Unit supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the Bicycle Patrol Unit supervisor and other members of the unit selected by the supervisor. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance

(b) Special skills or training as they pertain to the assignment

(c) Good physical condition

(d) Willingness to perform duties using the bicycle as a mode of transportation

423.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected by the Patrol Division Division Commander or the authorized designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training

(b) Inspecting and maintaining inventory of patrol bicycles and program equipment

(c) Scheduling maintenance and repairs

(d) Evaluating the performance of bicycle officers

(e) Coordinating activities with the Patrol Division Division

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(f) Inspecting and documenting, no less than annually, that bicycles not in active service are in a serviceable condition

(g) Other activities as required to maintain the efficient operation of the unit

423.4 TRAINING

Participants in the program must complete an initial department-approved bicycle training course after acceptance into the program. Thereafter, bicycle patrol officers should receive periodic in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Bicycle patrol officers will be required to qualify with their duty firearm,during their initial training, while wearing bicycle safety equipment, including the helmet and riding gloves.

423.5 UNIFORMS AND EQUIPMENT

Bicycle officers shall wear the department-approved uniform and safety equipment while operating the police bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear. Soft body armor/vest shall be worn.

The bicycle uniform consists of the standard short sleeve uniform shirt or Coolmax® type shirt with department-approved badge and patches, and bicycle patrol pants or shorts with a uniform appearance.

Optional equipment includes a jacket in colder weather. Insulated clothing is permitted when worn under the uniform shirt, radio head set and microphone.

Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

423.6 CARE AND USE OF PATROL BICYCLES

(a) Officers will utilize a specially marked and equipped patrol bicycle and attached gear bag.

(b) Bicycles utilized for uniformed bicycle patrol shall be primarily black, silver or white with a "Police" decal affixed to each side of the top tube, the bike's saddlebag or attached gear bag. Every bicycle shall be equipped with front and rear reflectors, front and rear lamps and a siren/horn. Lamps and reflectors must meet legal requirements.

(c) Each bicycle gear bag shall include a first-aid kit, tire pump, repair tool, tire tube, and all necessary paperwork for handling routine patrol calls. These items are to remain with/on the bicycle at all times.

(d) Each bicycle shall be equipped with a flashing, oscillating or rotating red signal light that is visible from the front, sides or rear of the bicycle.

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(e) Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

(f) If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the unit supervisor for repair by an approved technician.

(g) Each bicycle will have scheduled maintenance once yearly, to be performed by a repair shop/technician that is approved by the Department.

(h) At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

(i) Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of nonuse, officers in the unit shall periodically rotate the batteries on the respective chargers to increase battery life.

(j) Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the bicycle unit supervisor or in the event of an emergency.

(k) Bicycles shall be properly secured when not in the officer's immediate presence.

423.7 OFFICER RESPONSIBILITIES

Officers should operate the bicycle in compliance with North Dakota law, unless their duties require otherwise (N.D.C.C. § 39-10.1-02).

Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment or in violation of routine rules of the road.

Officers shall complete a daily log at the end of each bicycle assignment.

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Foot Pursuits

424.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

424.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

(e) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

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424.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit, such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) When two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with Minot Central Dispatch or with backup officers.

(h) The suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

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424.4 RESPONSIBILITIES IN FOOT PURSUITS

424.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Number of suspects and description, to include name if known

(d) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be implemented and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Minot Central Dispatch of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

424.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

424.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

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424.4.4 DISPATCH RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, Minot Central Dispatch personnel shall, as soon as practicable, notify the field supervisor and provide available information. Procedures for Minot Central Dispatch includes:

(a) Clearing the radio channel of non-emergency traffic.

(b) Repeating the transmissions of the pursuing officer as needed.

(c) Ensuring that a field supervisor is notified of the pursuit.

(d) Relaying all pertinent information to responding personnel.

(e) Contacting additional resources as indicated.

(f) Coordinating response of additional resources to assist with the foot pursuit.

424.5 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at a minimum:

(a) The reason for initiating the foot pursuit.

(b) The identity of involved personnel.

(c) The course and approximate distance of the pursuit.

(d) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(e) Any injuries or property damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may advise the initiating officer that he/she need not complete a supplemental report in conjunction with the report normally required to document the incident.

424.6 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

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Homeless Persons

425.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Minot Police Department recognizes that members of the homeless community are often in need of special protection and services. The Minot Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following policy when serving the homeless community.

425.2 POLICY

It is the policy of the Minot Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

425.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

425.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless may require special consideration for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Adult Abuse Policy.

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(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

425.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard their personal property.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in cleanup operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for cleanup operations of a homeless encampment should be referred to the Patrol Operations Commander.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform a supervisor. If such property appears to involve a trespass, is blight to the community or is the subject of a complaint, it will be the responsibility of the supervisor to address the matter in a timely fashion.

425.5 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

425.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment

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has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Public Recording of Law Enforcement Activity

427.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

427.2 POLICY

The Minot Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

427.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

427.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

427.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

427.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Public Recording of Law Enforcement Activity

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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Crisis Intervention Incidents

428.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

428.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

428.2 POLICY

The Minot Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

428.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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428.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

428.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

428.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

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Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

428.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

428.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

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(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

428.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

428.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

428.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

428.11 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

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First Amendment Assemblies

429.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

429.2 POLICY

The Minot Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

429.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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429.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

429.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Minot Central Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

429.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

429.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

429.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with City government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

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(t) Parameters for the use of body-worn cameras and other portable recording devices.

429.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

429.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

429.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

429.8 ARRESTS

The Minot Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

429.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

429.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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429.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, Minot Central Dispatch records/tapes

(g) Media accounts (print and broadcast media)

429.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

429.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

430.1 PURPOSE AND SCOPE

This policy provides members of the Minot Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by North Dakota law.

430.2 POLICY

The Minot Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

430.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that time for peacekeeping efforts will be extensive..

430.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter may be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order may be attached to the report when available. The report amy be forwarded to the appropriate prosecutor. The report may also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

430.4.1 STANDBY REQUESTS

Standby requests may become volatile and the use oc cover officers should be strongly considered when handling these type of assignments.

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

430.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

430.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Medical Aid and Response

431.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

431.2 POLICY

It is the policy of the Minot Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

431.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Minot Central Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Minot Central Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex and age, if known.
4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel regarding whether to transport the person for treatment.

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431.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

431.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision, and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a mental illness commitment in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

431.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

431.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

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The Patrol Division Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

431.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after he/she has received training in a nationally recognized course in CPR and AED use (N.D.C.C. § 32-03.1-02.3).

431.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Administrative Captainor designee who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

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Any member using an AED shall notify Minot Central Dispatch as soon as possible and request response by EMS.

431.8.2 AED REPORTING
Any member using an AED will complete an incident report detailing its use.

431.8.3 AED TRAINING AND MAINTENANCE
The Administrative Captain shall ensure appropriate training is provided to members authorized to use an AED (N.D.C.C. § 32-03.1-02.3).

The Administrative Captain is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

431.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocol specified by the health care professional who prescribed the medication for use by the member (N.D.C.C. § 23-01-42).

431.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES
Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shifts to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Administrative Captain.

Any member who administers an opioid overdose medication should contact Minot Central Dispatch as soon as possible and request response by EMS.

431.9.2 OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication should detail its use in an appropriate report.

431.9.3 OPIOID OVERDOSE MEDICATION TRAINING
The Administrative Captain should ensure training is provided to members authorized to administer opioid overdose medication.

431.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

431.11 FIRST AID TRAINING

Subject to available resources, the Administrative Captain should ensure officers receive periodic first aid training appropriate for their position.

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Medical Marijuana

432.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of marijuana under North Dakota's medical marijuana laws.

432.1.1 DEFINITIONS

Definitions related to this policy include (N.D.C.C. § 19–24.1–01):

Allowable amount of usable marijuana – Possession of no more than three ounces of dried leaves or flowers, or the amount that can be purchased in concentrated form, or combination of both as set forth in N.D.C.C. § 19-24.1-01.

Registered designated caregiver - An individual who agrees to manage the well-being of a registered qualifying patient with respect to the qualifying patient's medical use of marijuana and who has been issued a valid registry identification card from the North Dakota Department of Health (DOH).

Registered qualifying patient - An individual who has been diagnosed by a health care provider as having a debilitating medical condition and issued a valid registry identification card from the North Dakota DOH.

432.2 POLICY

It is the policy of the Minot Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

North Dakota medical marijuana laws are intended to provide protection from prosecution to those who produce, process, sell, dispense, and use medical marijuana. However, North Dakota medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Minot Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under North Dakota law and the resources of the Department.

432.3 INVESTIGATION

Investigations involving the possession, delivery, production, or use of marijuana generally fall into one of several categories:

(a) Investigations when no person makes a medicinal claim

(b) Investigations involving a registered qualifying patient

(c) Investigations involving a registered designated caregiver

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Medical Marijuana

432.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM

In any investigation involving the possession, delivery, production, or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal claim may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

432.3.2 INVESTIGATIONS INVOLVING A REGISTERED QUALIFYING PATIENT

Officers shall not take enforcement action against a registered qualifying patient for acquiring, using, or possessing medical marijuana or related supplies who are in compliance with North Dakota's medical marijuana program. This will generally include a registered qualifying patient in possession of his/her registry identification card who possesses no more than an allowable amount of usable marijuana (N.D.C.C. § 19–24.1–32).

Enforcement action should not be taken because a registered qualifying patient is not in physical possession of his/her registry identification card if it can be established the person is a registered qualifying patient.

432.3.3 INVESTIGATIONS INVOLVING A REGISTERED DESIGNATED CAREGIVER

Officers shall not take enforcement action against a registered designated caregiver for assisting a registered qualifying patient to acquire, use, or possess medical marijuana or related supplies in compliance with North Dakota's medical marijuana program (N.D.C.C. § 19–24.1–32).

Enforcement action should not be taken because a registered designated caregiver is not in physical possession of his/her registry identification card if it can be established the person is a registered designated caregiver. A registered designated caregiver may receive compensation for associated costs (N.D.C.C. § 19–24.1–32).

432.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

(a) Registry identification cards specify when a patient is authorized to use the dried leaves or flowers of marijuana (N.D.C.C. § 19–24.1–11).

(b) Because enforcement of medical marijuana laws can be complex, time-consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at another time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

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4. Any other relevant factors, such as available department resources and time constraints.

(c) Manufacturing facilities, dispensaries, and registered compassion center agents are also protected from prosecution for possession and transfer or marijuana or related products when conducted in accordance with North Dakota's medical marijuana program (N.D.C.C. § 19–24.1–32).

(d) Before proceeding with enforcement related to a manufacturing facility, dispensary, or a registered compassion center agent, officers should consider conferring with appropriate legal counsel and the North Dakota DOH.

(e) Registry cards can be verified through the North Dakota DOH's secure verification system (N.D.C.C. § 19–24.1–31).

432.3.5 EXCEPTIONS

Officers may take enforcement action if the person (N.D.C.C. § 19–24.1–33):

(a) Possesses or consumes an allowable amount of usable marijuana:

1. On a school bus or school van that is used for school purposes.
2. On the grounds of any public or private school.
3. At any location while a public or private school sanctioned event is occurring at that location.
4. On the grounds of a correctional facility.
5. On the grounds of a child care facility or licensed home day care, unless authorized under rules adopted by the North Dakota Department of Human Services (DHS).

(b) Undertakes specified offenses related to smoking in public.

(c) Allows the smoke or vapor to be inhaled by a minor who is not the registered qualifying patient.

(d) Operates, navigates, or is in actual physical control of a motor vehicle, aircraft, train, or motorboat while under the influence of marijuana.

432.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

432.5 PROPERTY SECTION SUPERVISOR RESPONSIBILITIES

The Property Section supervisor should ensure that marijuana, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed. The Property Section supervisor is not responsible for caring for live marijuana plants.

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Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property Section supervisor should, as soon as practicable, return to the person from whom it was seized any useable marijuana, plants, drug paraphernalia, or other related property.

The Property Section supervisor should not destroy marijuana that was alleged to be for medical purposes except upon receipt of a court order.

The Property Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations Division supervisor.

432.6 REPORTING

432.6.1 REPORTABLE INCIDENTS

Officers who reasonably believe one of the following has occurred are required to report the incident to the North Dakota DOH within five days on the form provided by the DOH (N.D.A.C. § 33-44-01-34):

(a) Individuals who are found to be in possession of usable marijuana dispensed pursuant to the state medical marijuana program and who are not registered cardholders.

(b) Registered qualifying patients or designated caregivers who are found in possession of more than the allowable amount of usable marijuana.

432.6.2 ADVERSE REACTIONS

Officers who reasonably believe that an incident involving an overdose or adverse reaction may be related to the use of usable marijuana are required to report the incident to the North Dakota DOH as set forth in N.D.A.C. § 33-44-01-35.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic accidents and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, traffic conditions and other data. This department provides enforcement efforts, not only in proportion to the frequency of their occurrence in accident situations but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Minot Police Department. Information provided by the North Dakota Department of Transportation (NDDOT) is a valuable resource for traffic accidents and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address accident-causing violations during those periods and at those locations where the incidence of accidents is increased. As a matter of routine, all officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All officers shall maintain high visibility while working general enforcement, especially at high-accident incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer’s work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of accidents.

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500.4 RECORDS OF TRAFFIC VIOLATIONS

The Department shall maintain records of all violations of local and state vehicle laws including the final disposition of all offenses. The records shall be available to the public as specified in the Records Maintenance and Release Policy.

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as an officer.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained by the individual officer and readily available. Before going into service each employee shall ensure a serviceable high-visibility vest is in their duty bag.

Additional high-visibility vests will be available..

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Traffic Accident Response And Reporting

501.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic accidents, providing aid and assistance, documentation of the incident and identification of criminal activity. The Minot Police Department prepares traffic accident reports in compliance with the North Dakota Motor Vehicles Code (N.D.C.C. Title 39) and as a public service makes traffic accident information available to the public.

501.2 CALL RESPONSE

Officers should respond without delay when dispatched to a traffic accident. A traffic accident with reported injuries may include an emergency response if the officer reasonably believes such a response is appropriate.

501.2.1 RESPONSE CONSIDERATIONS

An officer responding to and upon arrival at an accident, should consider the following:

(a) The most appropriate route to the incident

(b) Proper placement of the emergency vehicle to provide protection for officers and the scene

(c) Potential for involvement of hazardous materials

(d) Additional support that may be necessary (e.g., traffic control, medical aid, HAZMAT, ambulance, tow vehicles and airship landing)

(e) Providing first aid to any injured parties if it can be done safely, and obtaining medical assistance as necessary

(f) Traffic control and protection of the scene

(g) Clearance of the roadway

501.3 ACCIDENT INVESTIGATION

Investigation of traffic accidents should include, at minimum, the following:

(a) Identification and interview of all involved parties

(b) Identification and interview of any witnesses

(c) Determination if a crime or traffic violation has occurred and taking appropriate enforcement action

(d) Identification and protection of items of apparent evidentiary value

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms

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501.4 TAKING ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or witness statements indicate that a violation of state traffic statutes contributed to the accident, officers should issue a traffic citation or a misdemeanor citation to the offending driver.

More serious violations, such as vehicular manslaughter or other felonies should involve consultation with a prosecuting attorney prior to charges being filed. If a driver subject to arrest is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.5 TRAFFIC ACCIDENT REPORTING

501.5.1 OFFICER RESPONSIBILITIES

Department members shall utilize North Dakota Department of Transportation (NDDOT) forms for the reporting of traffic accidents that meet the following criteria (N.D.C.C. § 39-08-10; N.D.C.C. § 39-08-13):

(a) Injury or death of any person

(b) Apparent property damage of $1,000 or more

Accidents involving an undomesticated animal and resulting in property damage only to the driver's vehicle are exempt from the notice requirements of N.D.C.C. § 39-08-09.

Officers shall notify a supervisor as soon as practicable of any traffic accident involving serious injury or death to any person.

Upon completion of an investigation, officers shall attach a sticker to the window of any damaged vehicle showing that the accident in which the vehicle was involved has been investigated (N.D.C.C. § 39-07-12).

All traffic accident reports taken by members of this department shall be forwarded to the Shift Commander for approval prior to data entry into the records management system.

501.5.2 SUPERVISOR RESPONSIBILITIES

A supervisor shall respond to the scene of any traffic accident involving serious injury or death of a person and, without delay following positive identification of any person seriously injured or deceased, notify the person's immediate family, as defined by law, or make arrangements for notification by clergy or another suitable person (N.D.C.C. § 39-08-10.1).

This department shall not release the identity of any person seriously injured or deceased in a traffic accident until one of the following occurs:

(a) A member of the immediate family has been notified and given an opportunity to notify other immediate family members; or

(b) Twenty-four hours have elapsed from the time positive identification was made.

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501.5.3 MODIFICATIONS TO TRAFFIC ACCIDENT REPORTS
A change or modification of a written report that alters a material fact in the report may be made only by the person who prepared the report prior to its approval and distribution. A written supplemental report may be made by any authorized employee.

501.6 REPORTING SITUATIONS

501.6.1 TRAFFIC ACCIDENTS INVOLVING CITY VEHICLES
Traffic accident investigation reports shall be taken when a City-owned vehicle is involved in a traffic accident on a roadway or highway, wherein any damage or injury results. A City Property Damage report may be taken in lieu of a traffic accident report when the accident occurs on private property or does not involve another vehicle and the damage is minor. Whenever there is damage to a City vehicle, a City Property Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the accident scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

Accidents involving a police vehicle should be immediately reported to the employees immediate supervisor who will determine the appropriate agency to investigate the incident.

501.6.2 TRAFFIC ACCIDENTS WITH POLICE DEPARTMENT EMPLOYEES
When an employee of this department, either on- or off-duty, is involved in a traffic accident within the jurisdiction of the Minot Police Department the Patrol Supervisor should request the North Dakota Highway Patrol (NDHP) or other outside agency to complete an investigation and report.

501.6.3 TRAFFIC ACCIDENTS WITH OTHER CITY EMPLOYEES OR OFFICIALS
The Patrol Supervisor may request assistance from the NDHP or other outside agency for the investigation of any traffic accident involving any City official or employee where a serious injury or fatality has occurred.

501.6.4 TRAFFIC ACCIDENTS INVOLVING INJURED ANIMALS
Department members should refer to the Animal Control Policy when a traffic accident involves disposition of an injured animal.

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Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Minot Police Department. Nothing in this policy shall require the Department to tow a vehicle.

502.2 POLICY

The Minot Police Department will tow vehicles when appropriate and in accordance with the law.

502.3 IMPOUNDS AND STORAGE

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having a vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 48 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately (N.D.C.C. § 39-10-47; N.D.C.C. § 39-10-48).

If any personal property or cargo that has been spilled from a vehicle is presenting a hazard, the property or cargo may also be removed immediately (N.D.C.C. § 39-10-47).

The responsibilities of those employees storing or impounding a vehicle are as follows.

502.3.1 VEHICLE STORAGE REPORT

Department members requesting towing, seizure or impound of a vehicle shall complete a vehicle impound report that includes a description of property within the vehicle as well as existing damage. The vehicle impound report is then submitted to dispatch as soon as practicable after the vehicle is stored.

Approved vehicle impound forms shall be promptly filed so that they are immediately available for release or for information should inquiries be made.

502.3.2 REMOVAL FROM A TRAFFIC ACCIDENT SCENE

When a vehicle has been involved in a traffic accident and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to Minot Central Dispatch. When there is no preferred company requested Central Dispatch will contact the company with the City of Minot towing contract.

If the owner is incapacitated or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in an accident, the officer shall request the dispatcher to call the contracted company to respond. The officer will then conduct an inventory and store the vehicle using the vehicle impound report.

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Vehicle Towing and Release

502.3.3 STORAGE AT AN ARREST SCENE

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. The vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed (e.g., traffic hazard, high crime area).

Situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition, include:

- A traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, and is willing and able to take control of any vehicle that was not involved in criminal activity.
- Whenever the vehicle does not need to be towed and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Department will not be responsible for theft or damages.

502.3.4 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.

502.3.5 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the contracted company..

502.3.6 RECORDS SECTION RESPONSIBILITY

Vehicle storage forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Minot Central Dispatch personnel should promptly enter pertinent data from a completed vehicle storage form report into the National Crime Information Center (NCIC) and the North Dakota Criminal Justice Information Sharing (CJIS) system to determine if the vehicle has been reported stolen.

Assigned department personnel shall:

(a) Determine the names and addresses of any individuals having an interest in the vehicle through North Dakota Department of Transportation (NDDOT) or CJIS

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databases. Within 10 days of the impoundment by department personnel, the department shall notify any individual identified as having an interest in the vehicle of the impoundment unless all of the following apply (N.D.C.C. § 23.1-15-04):

1. The vehicle is more than seven model years of age.
2. The vehicle lacks vital component parts.
3. The vehicle does not display a current valid license plate for North Dakota or any other state or foreign country.

(b) Send notice by certified mail, return receipt requested, to each individual identified as having an interest in the vehicle. If the identity and address of the registered owner and all lienholders cannot be determined with reasonable certainty, the notice shall be published once in a newspaper of general circulation in the City. The notice shall include (N.D.C.C. § 23.1-15-05):

1. The date and place where the vehicle was taken into custody.
2. The year, make, model, and serial number of the abandoned motor vehicle.
3. The place where the vehicle is being held.
4. Information for the owner, any lienholders, or secured parties that they have a right to reclaim the vehicle.
5. A statement that failure of the owner, lienholders, or secured parties to exercise their right to reclaim the vehicle is deemed a waiver of all right, title, and interest in the vehicle and a consent to disposal of the vehicle in accordance with N.D.C.C. § 23.1-15-07.

502.4 TOWING SERVICES

The City of Minot periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used when:

(a) It is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) A vehicle is being held as evidence in connection with an investigation.

(c) It is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

502.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner’s property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

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If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, other options to consider regarding locked containers include, but are not limited to, obtaining access to the locked container from the owner, placing the locked container into safekeeping or obtaining a written waiver of responsibility for the contents of the locked container.

502.6 PRESERVATION OF EVIDENCE

An officer removing a vehicle who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law.

502.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, an officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

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Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to members of the Department who play a role in the detection and investigation of driving under the influence (DUI).

503.2 POLICY

The Minot Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of North Dakota's impaired driving laws.

503.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

Any DUI investigation will be documented. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in North Dakota or another jurisdiction.

503.4 FIELD TESTS

Officers who are conducting a DUI investigation should conduct Standardized Field Sobriety Testing in accordance with training based on the National Highway Traffic Safety Administration (NHTSA) recommendations.

503.4.1 SCREENING TEST

Any person who operates a motor vehicle and is stopped for a moving violation, or is involved in a crash, or is impaired in violation of N.D.C.C. § 39-08-01 (or an equivalent offense), is deemed to have given consent to submit to on-site screening tests of his/her breath when the officer has a reasonable belief that the person's body contains alcohol (N.D.C.C. § 39-20-14). The results of such screening tests will only be used to determine whether to administer additional tests. The officer shall inform the individual that refusal of a screening test may result in a revocation for up to three years of his/her driving privileges. If the person refuses, no test will be given (N.D.C.C. § 39-20-14).

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This also applies to a person who drives or is in physical control of a commercial vehicle, except that the officer must also warn the person that refusal to submit to the tests will result in the person being immediately placed out of service for a period of 24 hours and disqualified from operating a commercial vehicle for a period of not less than one year (N.D.C.C. § 39-06.2-10.2).

The screening tests will be performed by an officer certified as a chemical test operator.

If the individual is at a hospital as a patient, the person in charge of that individual's case must first be notified of the requirement to administer a screening test. However, if that person objects to the test on the grounds that it would be prejudicial to the proper care or treatment of the patient, the patient may not be required to submit to such tests.

503.5 CHEMICAL TESTS

A person implies consent under North Dakota law to a chemical test or tests, and to providing the associated chemical sample, under any of the following:

(a) An officer has arrested the person for DUI (N.D.C.C. § 39-20-01).

(b) The person was operating or in physical control of a commercial vehicle and the officer has probable cause to believe that the person has alcohol or drugs in his/her system (N.D.C.C. § 39-06.2-10.2).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), or if the officer is requesting a blood or urine sample and the person may face criminal penalties for refusal, the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

A chemical test may not be administered until the required implied consent advisory has been given to the person (N.D.C.C. § 39-20-01; N.D.C.C. § 39-06.2-10.2).

503.5.1 CHOICE OF TESTS

Officers shall determine which of the tests is to be used, but should not prevent, hinder or delay an arrestee's attempts to secure an independent test under N.D.C.C. § 39-20-02, and must at least provide access to a telephone. An officer should transport an arrestee seeking an independent test unless the arrestee will be released from custody in time to obtain a viable test.

503.5.2 URINE SAMPLES

The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

503.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should:

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(a) Advise the arrestee of the requirement to provide a sample and that refusal will result in a revocation and is a criminal offense, as set forth in N.D.C.C. § 39-20-01.

(b) Audio- and/or video-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

503.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained.

(b) Officers are mandated to obtain a chemical sample either by consent or by search warrant in the case of a crash resulting in death or serious bodily injury (N.D.C.C. § 39-20-01.1). A warrant is required in these circumstances, unless an arrest has been made and the officer can articulate that exigent circumstances exist.

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to a crash investigation or medical treatment of the person.

503.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to provide such a sample without physical resistance. This dialogue should be recorded on audio and/or video when legal and practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure that the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

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3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure that the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

503.7 ARREST AND INVESTIGATION

Officers may obtain a chemical test sample from any person suspected of DUI on a highway or on public or private areas to which the public has a right of access. Such tests may only be obtained after placing the individual under arrest, except for certain exceptions (N.D.C.C. § 39-20-01).

503.7.1 RIGHT TO ATTORNEY CONTACT

Persons who have been requested to provide a chemical sample may request to speak to an attorney. Upon such request, the person shall be granted a reasonable opportunity to attempt contact with an attorney. If the person continues to refuse to submit to any test after having been provided such an opportunity, it shall be deemed a refusal.

503.7.2 JUVENILE CONSIDERATIONS

When an individual under 18 is taken into custody for DUI or an equivalent ordinance, the officer shall attempt to contact the individual's parent or legal guardian to explain the reason for the custody (N.D.C.C. § 39-20-01).

The Records Section shall mail a notice to the minor’s parent or legal guardian within 10 days after the test results are received or within 10 days after the minor is taken into custody if the minor refuses to submit to chemical testing (N.D.C.C. § 39-20-01).

If the juvenile is enrolled in school, the Records Section shall also ensure that notice of the DUI violation is delivered to the school principal within two weeks of the incident (N.D.C.C. § 15.1-24-05).

503.7.3 NONRESIDENT OPERATOR

If a person licensed in another state has refused a lawful request to submit to a chemical test to determine alcohol concentration or has submitted to a chemical test that shows the person to have been operating a vehicle while under the influence, the officer shall issue the person a temporary operator’s license and notification of his/her test results, and will forward the required reports to the North Dakota Department of Transportation (NDDOT) as required by N.D.C.C. § 39-20-03.2.

If the person was operating or in physical control of a commercial vehicle and refuses a lawful request to submit to a chemical test or submits to a chemical test that shows a prohibited alcohol concentration, the officer shall inform the person of the test results, issue the person an out-of-service order and temporary driver’s permit, and will forward any applicable reports to NDDOT as required by N.D.C.C. § 39-06.2-10.4.

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Traffic Citations

504.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

504.2 RESPONSIBILITIES

Employees of this department shall use the North Dakota Uniform Traffic Complaint and Summons form for all traffic and parking offense citations (N.D.C.C. § 29-05-31). Employees shall provide any person issued a citation with an appropriate envelope for use in mailing the bond (N.D.C.C. § 39-07-07).

Employees may use E-tickets to issue citations as authorized by the Department in place of paper tickets.

Supervisors shall issue paper citation books to officers.

504.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Patrol Supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Supervisor may forward the citation to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request that the court dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required.

504.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be shredded.

504.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Records Division.

504.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

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Upon separation from employment with this department, all employees who were issued traffic citation books shall return any unused citations to the Department.

504.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to state and local laws.

504.8 JUVENILE CITATIONS

Juvenile citations are similar to adult citations except that certain juvenile offenses, including those involving a criminal offense, would be processed through the juvenile referral procedure. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

The Records Division shall notify the juvenile's school principal in writing within two weeks for certain traffic-related offenses as specified in the School Student or Employee Arrest Reporting Policy.

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Disabled Vehicles

505.1 PURPOSE AND SCOPE

The Minot Police Department has adopted this policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

505.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer or other department member to respond as soon as practicable.

505.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist. No officer will push or pull a disabled vehicle.

505.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. This includes using jumper cables to start a disabled vehicle.

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Abandoned Motor Vehicles

506.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording, and storage of vehicles abandoned in violation of abandoned vehicle laws (N.D.C.C. § 23.1-15-01 et seq.).

506.2 IMPOUNDING ILLEGALLY PARKED VEHICLES

Illegally parked vehicles requiring impound shall be impounded in accordance with Chapter 20 of the City of Minot Code of Ordinances and N.D.C.C.

506.3 VEHICLE STORAGE

Any abandoned vehicle qualifying for a tow should be removed by the authorized towing service and a vehicle impound/storage form shall be completed by the officer authorizing the storage of the vehicle.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Minot Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by:
    (a) Speaking with any witnesses or complainants.
    (b) A cursory examination for evidence.
(b) If information indicates a crime has occurred, the officer shall:
    (a) Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
    (b) Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
    (c) If assistance is warranted, or if the incident is not routine, notify a supervisor or the Patrol Supervisor.
    (d) Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
    (e) Collect any evidence.
    (f) Take any appropriate law enforcement action.
    (g) Complete and submit the appropriate reports and documentation.
(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

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600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

No recording of a custodial interrogation should be destroyed or altered except as in accordance with the established records retention schedule. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.

2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed and further investigation is not reasonable and/or has not been requested by the prosecutor.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic

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examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Street Gangs policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

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Asset Forfeiture

601.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Minot Police Department seizes property for forfeiture or when the Minot Police Department is acting as the fiscal agent pursuant to a multi-agency agreement. The Records Sergeant in coordination with the City of Minot Finance department appointee shall assume the role of Fiscal agent.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the forfeiture counsel. The Investigations Division commander is hereby appointed as the Forfeiture reviewer.

Property subject to forfeiture - Includes the following:

(a) Property subject to general criminal forfeiture includes (N.D.C.C. § 29-31.1-01):

1. Property that is illegally possessed or is contraband.
2. Property, other than a residence or real estate, that has been used or is intended to be used to commit a criminal offense or flee, where the co-owner has not been convicted of the criminal offense.
3. Proceeds of a criminal offense.
4. Property offered or given to another as an inducement for the commission of a criminal offense.
5. A vehicle or other means of transportation used in the commission of a felony, the escape from the scene of a felony, or in the transportation of property that is the subject matter of a felony.
6. Personal property used in the theft of livestock or the transportation of stolen livestock.

(b) Property subject to forfeiture under the Uniform Controlled Substances Act includes (N.D.C.C. § 19-03.1-36):

1. All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of the Uniform Controlled Substances Act, imitation controlled substances and the containers for the preceding items.

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2. All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting any controlled substance and the containers for the preceding items.
3. All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale or receipt of controlled substances.
4. Drug paraphernalia.
5. All money or anything else of value furnished, or intended to be furnished, in exchange for a controlled substance in violation of the Uniform Controlled Substances Act, and all real and personal property, assets, profits, etc., acquired or derived from the unlawful purchase, attempted purchase, delivery, attempted delivery, manufacturing or attempted manufacturing of any controlled substance or imitation controlled substance.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

601.2 POLICY

The Minot Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or any person's due process rights.

It is the policy of the Minot Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeitures.

601.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy and in accordance with applicable state and federal law.

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

601.3.1 PROPERTY SUBJECT TO SEIZURE

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer (N.D.C.C. § 29-31.1-03; N.D.C.C. § 19-03.1-36):

(a) Property subject to forfeiture authorized for seizure by a court order.

(b) Property that officers have probable cause to believe qualifies as property subject to forfeiture and the property is seized under circumstances in which a warrantless seizure would be reasonable (i.e., property would be lost without immediate seizure).

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601.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Property of someone who had no part in the commission of the offense and who had no knowledge of the criminal use or intended use of the property (N.D.C.C. § 29-31.1-07; N.D.C.C. § 19-03.1-36).

(b) Cash and property that does not meet forfeiture thresholds.

601.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer promptly after the seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

601.5 MAINTAINING SEIZED PROPERTY

The Property Section supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

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(e) Forfeitable property is retained until such time as its use as evidence is no longer required (N.D.C.C. § 29-31.1-08).

601.6 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly N.D.C.C. § 19-03.1-36 et seq., N.D.C.C. § 29-31.1-01 et seq. and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and legal counsel or the appropriate court while ensuring prompt legal review and court processes of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.

(d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

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1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
4. Property is promptly released to those entitled to its return (N.D.C.C. § 29-31.1-02).
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) A written plan should be available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to department inventory is in accordance with all applicable laws and consistent with the use and disposition of similar property (N.D.C.C. § 29-31.1-06).

(k) Upon completion of any forfeiture process, ensuring that no property is retained by the Minot Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

(l) Complying with any reporting requirements as set forth in N.D.C.C. § 19-03.1-36.8.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

601.7 DISPOSITION OF FORFEITED PROPERTY

(a) For property forfeited under general criminal forfeiture laws (N.D.C.C. § 29-31.1-01 et seq.), the Minot Police Department may (N.D.C.C. § 29-31.1-06):

1. Retain forfeited property for official use, or transfer the custody or ownership of any forfeited property to any federal, state, or local agency.
2. Sell forfeited property that does not require destruction and is not harmful. The proceeds from the sale and other forfeited funds, must be used first for the

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payment of all costs and expenses related to all forfeiture actions and processes with any remaining proceeds to be deposited, subject to N.D.C.C. § 54-12-14, in the appropriate general fund.

3. Dispose of forfeited property in accordance with the order of the court if the property cannot be retained, used or sold by the Minot Police Department.

(b) For property forfeited under the Uniform Controlled Substances Act (N.D.C.C. § 19-03.1-36 et seq.), the Minot Police Department may (N.D.C.C. § 19-03.1-36):

1. Retain forfeited property for official use, or transfer the custody or ownership of any forfeited property to any federal, state, or local agency. The board shall ensure the equitable transfer of any forfeited property to the appropriate federal, state, or local law enforcement agency so as to reflect generally the contribution of that agency participating directly in any of the acts that led to the seizure or forfeiture of the property. A decision to transfer the property is not subject to review.

2. Sell forfeited property which is not required to be destroyed by law and which is not harmful to the public. The proceeds must be used for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs, with any remaining proceeds to be deposited, subject to N.D.C.C. § 54-12-14, in the appropriate general fund. When two or more law enforcement agencies are involved in seizing a conveyance, the remaining proceeds may be divided proportionately.

3. Require the attorney general to take custody of forfeited property and remove it for disposition in accordance with law.

4. Forward forfeited property to the U.S. Department of Justice Drug Enforcement Administration (DEA) for disposition.

5. Use the forfeited property, including controlled substances, imitation controlled substances, and plants to enforce the Uniform Controlled Substances Act. However, forfeited controlled substances should not be used to arrest a person for simple possession of a controlled substance under N.D.C.C. § 19-03.1-23 when the forfeited controlled substances were supplied by a law enforcement officer or the officer's agent

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

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Informants

602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Minot Police Department for law enforcement purposes, including confidential informants described in N.D.C.C. § 29-29.5-01. This also includes a person agreeing to supply information to the Minot Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

602.2 POLICY

The Minot Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

Officers assigned to the Ward County Narcotics Task Force shall follow the rules and procedures of the lead agency (ND BCI Policy on Informants). The Investigations Commander shall review the policy annually or when any changes occur.

602.3 USE OF INFORMANTS

602.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

602.3.2 JUVENILE INFORMANTS

N.D.C.C. 29-29.5-02 Limitation on use of juvenile confidential informants.

1. A law enforcement agency may not use a juvenile fifteen years of age or younger as a confidential informant.

2. A juvenile over the afe of fifteen, but under the afe of eighteen, may not be used as a confidential informant unless:

    a. The juvenile is married;

    b. The juvenile is emancipated;

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c. The juvenile is serving in the active duty armed forces; or

d. The juvenile is subject to criminal charges; and

1. There are no other reasonable avenues to obtain evidence of the crime being investigated and the risk of harm to the juvenile is minimal;

2. The juvenile's custodial parent or guardian has signed the informant agreement; and

3. The juvenile has consulted with legal counsel.

602.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant (N.D.C.C. § 29-29.5-05; N.D.A.C. § 109-02-06-01).

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

602.3.4 CONFIDENTIALITY OF INFORMANTS

Any information that is not public knowledge that would tend to identify an informant is confidential and may be disclosed only as permitted by law (N.D.C.C. § 44-04-18.3(4); N.D.A.C. § 109-02-06-01).

602.3.5 JUVENILE CONFIDENTIAL INFORMANT QUALIFICATIONS

A confidential juvenile informant may only be used if all of the following are true (N.D.C.C. § 29-29.5-02):

(a) The juvenile is married, emancipated, active duty military or subject to criminal charges.

(b) The officer reasonably believes there are no other reasonable avenues to obtain evidence of the crime being investigated and the risk of harm to the juvenile is minimal.

(c) The juvenile has consulted with legal counsel.

602.3.6 MANDATORY CONTENTS OF AGREEMENTS

An agreement for the use of a confidential informant as defined in N.D.C.C. § 29-29.5-01 must be in writing and include (N.D.C.C. § 29-29.5-05; N.D.A.C. § 109-02-06-01):

(a) The informant’s right to remain silent, the right to speak with legal counsel at any time, and the right to cease working as a confidential informant.

(b) A statement of the benefit, which will be recommended upon substantial compliance with the informant agreement.

(c) A statement that an absolute guarantee or promise may not be made to the informant other than law enforcement will truthfully report cooperation.

(d) A statement of the inherent risk associated with acting as an informant.

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(e) The responsibilities of the informant, including testifying truthfully if called as a witness in a court proceeding.

(f) A written waiver of right to counsel which must be executed separately and attached to the informant agreement.

1. The waiver must be signed by the informant and an officer and include language stating that consulting legal counsel at any time will not invalidate the agreement.

(g) The parameters of the agreement, detailing the anticipated number of buys, sales, acts, or the duration of service.

(h) A description of any penalty for violating the terms of the written agreement, including any additional criminal charges.

(i) A warning that sexual relations with an intended target of a police investigation is a violation of the agreement and may be a violation of the law.

(j) A statement that money or property loaned or entrusted to the informant by the Minot Police Department may not be used for personal use and must be accounted for at all times.

(k) Specification of any known crimes of violence committed by a target offender.

(l) Signatures of the informant and the [officer/deputy] using the informant. If the informant is a juvenile, the signature of the custodial parent or guardian shall also be obtained (N.D.C.C. § 29-29.5-02).

The agreement should be terminated, and the informant notified whenever the informant is no longer needed by the officer who signed the agreement with the informant. The officer should document the termination and notice to the informant by a dated notation on the terminated agreement. A new agreement is needed to reactivate the informant.

602.3.7 INFORMANT SAFETY

An officer using a confidential informant should take reasonable steps to protect the safety of the informant used for a controlled buy, controlled sale, or surreptitious recording including (N.D.A.C. § 109-02-06-01):

(a) Requesting a criminal history report on reasonably known target offenders and verbally notifying the informant when the report reasonably identifies any target as having a committed any crimes involving intentionally causing or threatening to cause death physical bodily injury.

(b) Developing an operational safety plan.

602.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Ward County Narcotics Task Force supervisor or their authorized designees.

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1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told that they are not acting as police officers, employees or agents of the Minot Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant (N.D.A.C. § 109-02-06-01).

2. Social contact shall be avoided unless it is necessary to conduct an official investigation.

3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officerand approved by an Investigations supervisor.

1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

(h) Any applicable direction from the Peace Officer Standards and Training Board should be followed (N.D.A.C. § 109-02-06-01).

602.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include but are not limited to the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of an officer.

(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

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(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

602.4.2 INFORMANT PAYMENTS
It will be at the Division Supervisor's discretion as to the payment procedure for the informant.

602.5 INFORMANT PAYMENTS

Except informants used for controlled buys, controlled sales, or surreptitious recordings, no informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value, or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Investigations Division commander or his designee will decide the type and level of payment.

Informants used for controlled buys, controlled sales, or surreptitious recordings shall be informed in writing of any compensation amounts prior to any controlled buy, controlled sale, or surreptitious recording (N.D.A.C. § 109-02-06-01).

602.5.1 PAYMENT PROCESS
Approved payments to an informant should be in cash using the following process:

(a) An investigations supervisor shall complete a cash advance form to the officer delivering payment.

(b) To complete the payment process for any amount the officer delivering the payment shall complete a voucher.

1. The voucher form shall include the following:
    (a) Case number
    (b) Payment amount
    (c) Date

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2. The voucher form shall be signed by the informant.
3. The voucher shall be kept in the informant's file.
4. A cash return form shall be filled out for any unused cash advance and be witnessed by and turned in to an investigations supervisor.
5. The cash advance form, cash return form, and copy of any vouchers shall be kept by the Division Commander or his designee.
6. This payment process also applies to any officer working in an undercover capacity.

(a)

(c) (a) (a)

(b)

(c)

(d)

(b)

(c)

602.5.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

602.5.3 AUDIT OF PAYMENTS

The authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least annually the City Finance department, with the cooperation and witnessing of Chief of Police, should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

602.6 DEATH OF A CONFIDENTIAL INFORMANT

Any member who becomes aware of the death of a person acting as a confidential informant as defined in N.D.C.C. § 29-29.5-01 shall notify the Division Commander and Chief of Police as soon

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as reasonably practicable. The Chief of Police shall promptly notify the North Dakota Attorney General anddirect that any Minot Police Department investigation into the death cease (N.D.C.C. § 29-29.5-06).

602.7 TRAINING

The Administrative Captain should make available training approved by the North Dakota Attorney General on the use of confidential informants. Training should include the components of this policy, any related department procedures, and any North Dakota Peace Officer Standards and Training rules regarding the use of confidential informants.

Members who use or recruit confidential informants, including supervisors who approve the use of informants, shall complete initial training and refresher training at least every three years (N.D.C.C. § 29-29.5-04).

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Eyewitness Identification

603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

603.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

603.2 POLICY

The Minot Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

603.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

603.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed periodically and modified when necessary.

603.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

603.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect.

In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably

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stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding

603.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect’s face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the individual who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

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(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

603.8 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

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Brady Information Disclosure

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

604.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Minot Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

604.2 POLICY

The Minot Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Minot Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

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604.4 BRADY COORDINATOR

The Chief of Police shall delegate certain responsibilities to a *Brady* Coordinator. The *Brady* Coordinator shall be appointed by and is directly responsible to the Administration Division Division Commander or the authorized designee.

The responsibilities of the *Brady* Coordinator include but are not limited to:

(a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.

(b) Maintaining a current list of members who are known to have *Brady* information in their files or background.

1. Whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file of any member of this department the *Brady* Coordinator will ensure that the list is updated.

604.5 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* information in the member's personnel file.

(b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in-camera review by the court.

1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.

(c) The custodian of records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any information pursuant to this process, the custodian of records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

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Brady Information Disclosure

604.6 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

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Unmanned Aerial System (UAS) Operations

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

605.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights, Federal Aviation Administration (FAA) regulations, and N.D.C.C.

605.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions may include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

605.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

-
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require authorization of the Chief of Police or the authorized designee, depending on the type of mission.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.

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- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

605.5 USE OF UAS

Use and operation of department owned UAS will be by personnel who have been certified through the F.A.A., and/or those personnel trained in the use and department procedures of UAS under the direct supervision and direction of F.A.A. certified personnel in accordance with current part 107 requirements.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS may only be flown over populated areas in accordance with current F.A.A. requirements.

In the absence of a warrant, UAS shall only be used (N.D.C.C. § 29-29.4-04):

(a) To patrol within 25 miles of our national border to prevent or deter the illegal entry of any individual, illegal substance or contraband in the state.

(b) In exigent circumstances to address an imminent danger of bodily harm or death to a person.

(c) To monitor or assess an environmental or weather-related catastrophe.

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605.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as but not limited to, race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.
- To conduct surveillance of any person without a search warrant.

The UAS shall not be weaponized (N.D.C.C. § 29-29.4-05).

605.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Documentation of UAS use based upon a warrant shall be retained for a minimum of five years. Images and data lawfully obtained without a warrant shall not be retained for more than 90 days unless there is reason to believe that the images or data contain evidence of a crime or are relevant to an ongoing investigation or trial (N.D.C.C. § 29-29.4-06).

605.8 REPORTING

(a) The person authorized to conduct the surveillance shall document all use of an unmanned aerial vehicle for surveillance. The person shall document all surveillance flights as to duration, flight path, and mission objectives.

(b) The flight information must be verified as accurate and complete by the supervising person authorized by a court to conduct the surveillance.

605.9 WARRANT APPLICATION

When a warrant is sought for the use of UAS, the application shall include (N.D.C.C. § 29-29.4-03):

(a) Identification of the members who will have the power to authorize the use of the UAS.

(b) The location where the UAS will be operated.

(c) The maximum period of time for which the UAS will be operated in each flight.

(d) Whether the UAS will collect information or data about individuals or groups of individuals. If such information or data will be collected, the warrant application must also include:

1. The circumstances under which the UAS will be used.
2. The specific kinds of information or data that the UAS will collect and how the information or data will be used, disclosed and handled, including retention periods and destruction schedules.

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Sexual Assault Investigations

606.1 SECTION TITLE

See attachment: Sexual Assault Investigations Policy.pdf

606.2 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Minot Central Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should not be asked or required to take a polygraph examination (34 USC § 10451). Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

606.3 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected within 96 hours following the assault unless good cause is shown for the delay in performing the examination. This 96-hour limitation does not apply in cases involving children. Any evidence obtained during the medical examination may not be used against the victim for the prosecution of the victim for a separate offense (N.D.C.C. § 12.1-34-07).

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

606.3.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence should:

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(a) Use collection kits provided or approved by the North Dakota Attorney General's Office.

1. If the member reasonably believes the sexual assault may have been drug-facilitated, a toxicology collection kit should be used.

(b) Obtain a signed release from the victim for access to the medical records related to the sexual assault offense.

(c) When the victim consents to proceeding with the investigation, facilitate the transfer of the evidence to the North Dakota Crime Laboratory.

1. When the victim does not consent to the investigation, the member should transfer the evidence to the Property Section.

Additional guidance regarding evidence retention and destruction is found in theProperty Section Policy.

606.3.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

606.4 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations Division supervisor.

Classification of a sexual assault case as unfounded requires the Investigations Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

606.5 CASE REVIEW

The Investigations Division supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.

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- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

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Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

607.2 POLICY

It is the policy of the Minot Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 SUPERVISOR OR SWAT COMMANDER

The Supervisor or SWAT Commander (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved involved officer to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS

Officers should consult with a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the supervisor. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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607.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.

(b) A clear explanation of the affiant's training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Information Disclosure Policy).

607.7 HIGH-RISK WARRANT SERVICE

The supervisorshall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

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(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

607.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case.

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE

The case officer shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The supervisor will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the shift commander. The shift commander should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The shift commander should ensure that members of the Minot Police

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Department are utilized appropriately. Any concerns regarding the requested use of Minot Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If officers intend to serve a warrant outside Minot Police Department jurisdiction, the supervisor should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Minot Police Department when assisting outside agencies or serving a warrant outside Minot Police Department jurisdiction.

607.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.12 TRAINING

The Administrative Captain should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

608.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

608.2 POLICY

It is the policy of the Minot Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

608.3 RISK ASSESSMENT

608.3.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall review the operation with their supervisor and complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

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(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

608.3.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to SWAT Team Commander.

The SWAT Commander will determine whether the warrant should be served by SWAT personnel. The SWAT Commander should discuss the matter with the Special Operations Group Commander if the circumstances rise to the level of SWAT Team activation..

608.3.3 HIGH-RISK OPERATIONS

If the the SWAT Commander determines that the operation is high risk, they should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. SWAT Team (SWAT)
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance
8. Canines
9. Property Section or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

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608.4 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.5 OPERATIONS PLAN

The supervisor should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

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(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan

(l) Responsibilities for writing, collecting, reviewing and approving reports.

608.5.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

608.6 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should have access to the operations plan and search warrant, if applicable. Any items to be seized should be identified at the briefing.

(c) The supervisor shall ensure that all participants are visually identifiable as law enforcement officers.

(a) Exceptions may be made by the supervisor for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

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1. It is the responsibility of the operations director to ensure that Minot Central Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
2. If the radio channel needs to be monitored by Minot Central Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.7 SWAT PARTICIPATION

If the supervisor determines that SWAT participation is appropriate, the SWAT Team Commander shall develop the operational plan. The SWATCommander shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWATCommander shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

608.8 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

608.9 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

608.10 TRAINING

The Administrative Captain should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Crime Scene Response Unit

609.1 PURPOSE AND SCOPE

The Crime Scene Response Unit (CSRU) has been established to provide specialized support to the investigations division. The CSRU's function is the documentation, collection, and processing of evidence at the scene of major incidents. This is achieved with the deployment of highly trained department officers, utilizing the proper equipment and best practices to process crime scenes in a thorough and consistent manner.

609.1.1 CRIME SCENE RESPONSE UNIT DEFINED

Crime Scene Response Unit (CSRU) - A designated unit of sworn personnel from the Minot Police Department trained and equipped to document, process, and collect evidence at the scene of major events within the city.

609.1.2 CRIME SCENE RESPONSE UNIT COMMANDER DEFINED

CSRU Commander - Selection of the commander will be made by the Investigations Division Commander and appointed by the Chief of Police. The selection will be in part by time of service, specific job knowledge, and organizational and management skills. The commander will be responsible for the selection and retention of unit members, maintenance of unit equipment, ensuring the completion of on-going training for unit members, and management of unit personnel upon activation. This will include the timely completion of required report by responding unit members.

609.2 POLICY

It is the policy of this department to maintain a Crime Scene Response Unit and to provide the equipment, manpower, and training necessary to maintain the unit. The CSRU should develop sufficient resources to perform these basic operational functions:

(a) Scene Documentation

(b) Scene Processing

(c) Evidence Collection

(d) Evidence Processing

609.2.1 ORGANIZATIONAL PROCEDURES

This unit may develop its own set of organizational or standard operating procedures to address some of the following:

(a) Unit Structure

(b) Unit Selection and Retention

(c) Activation Procedures

(d) Member Roles and Responsibilities

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609.2.2 OPERATIONAL PROCEDURES
Upon activation of the unit by the Investigations Division Commander or designee, responding members will report to the unit commander or their designee. They will be briefed and assigned duties to be completed. The unit commander or their designee will communicate with the investigator in charge of the scene to ensure thorough processing of the scene.

609.3 ON SCENE DETERMINATION AND ACTIVATION

The field supervisor on the scene of a major incident, shall request a response from the Investigations Division by consulting with that division commander. When it is determined that an investigations call-out is required, the division commander or designee will notify the CSRU Commander of the situation if needed.

609.3.1 APPROPRIATE SITUATIONS FOR USE OF CSRU
Incidents the the CSRU may be call to respond to include, but are not limited to:

(a) Homicides

(b) Attempted Homicides

(c) Shootings

(d) Suspected Arson Calls

(e) Explosions

(f) Major Burglaries

Unit members who are on shift may be called upon to consult and/or assist patrol with scene documentation or evidence collection on smaller scale incidents.

609.4 TRAINING NEEDS ASSESSMENT

Annually, the unit commander should conduct a needs assessment to ensure the unit has personnel trained to meet the needs and capabilities of the department.

609.5 EQUIPMENT

The CSRU should be adequately equipped to meet the specific needs of the unit and the department.

609.6 SELECTION OF PERSONNEL

Sworn personnel who are off probation are eligible to apply to the unit. Interested officers will submit an application of special assignment and take part in an oral interview the the unit commander and members. The unit commander may review a sampling of the applicant's past work product, looking for attention to detail, the ability to be thorough, and detailed report writing.

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Chapter 7 - Equipment

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Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

The policy addresses the care of department-owned property and the role of the Department when personal property, the property of another or department-owned property is damaged or lost.

700.2 DEFINITIONS

Definitions related to this policy include:

Personal property - Items or equipment owned by, provided by or purchased totally at the expense of the department member. This definition includes optional equipment identified in the Uniform Regulations Policy

700.3 POLICY

It is the policy of the Minot Police Department that members shall properly care for department property assigned or entrusted to them. Those who suffer loss or damage to personal or department-owned property while performing their assigned duties should be reimbursed appropriately.

700.4 DEPARTMENT-ISSUED PROPERTY

All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log; receipt shall be acknowledged by signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

700.4.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property that has been assigned or entrusted to them. Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment assigned for their use.

    1. A supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, in circumstances where misconduct or negligence caused the loss, damage or unserviceable condition.

    2. A review by command staff should determine whether additional action is appropriate.

(b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, department property shall only be used by those to whom it was

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assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(e) A supervisor's approval is required before any attempt to repair damaged or unserviceable property is made by a department member.

700.5 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief of Police or appropriate Division Commander. The member should submit for approval a description of the property, and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

700.5.1 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage to, or loss of, personal property must be made in a written report. This report is submitted to the member's immediate supervisor.

The supervisor receiving such a report shall investigate and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

The Chief of Police or his designee will review the claim and make a determination whether or not compensation will be granted.

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.6 DAMAGE TO PROPERTY OF ANOTHER

Anyone who intentionally or unintentionally damages or causes to be damaged the real or personal property of another while performing any law enforcement function shall promptly report the damage through that individual's chain of command.

The supervisor receiving such a report shall investigate and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

A review of the incident by command staff to determine whether misconduct or negligence was involved should be completed.

700.6.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Minot or of another person while performing their duties within the jurisdiction of this department. It shall be the responsibility of the department member present or the member responsible for the property to report the damage as follows:

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(a) A verbal report shall be made to the member’s immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

The written report, accompanied by the supervisor's written report, shall be forwarded to the appropriate Division Commander.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, Personal Digital Assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Minot Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable open records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY POLICY

Members shall have no expectation of privacy with regard to any communication made with, or stored in, or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the member might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of member misconduct and, as practicable, will be done in the presence of the

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affected member. Prior to conducting any search of personally owned devices, supervisors shall consult with the Chief of Police. All such searches shall be fully documented in a written report.

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry their own PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

(e) The device should not normally be utilized to record or disclose any department business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) Use of a personally owned PCD constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, open records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with all telephone access numbers for the device.

(g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD shouldbe transferred to the Minot Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally

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owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or if the member has prior express authorization from his/her supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(c) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(d) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(e) Members will not access social networking sites for any purpose that is not official department business.

(f) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

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If, when carrying out any provision of this policy, the need to contact a member who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the member is on-duty as such contact may be compensable

701.8 USE WHILE DRIVING

The use of a PCD while operating a motor vehicle can cause unnecessary distractions and presents a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location when utilizing the device (N.D.C.C. § 39-08-23(3)).

Except in the case of an emergency, members who are operating non-emergency vehicles that are department owned or are being used in the scope of employment shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When department vehicles become inoperative or in need of a repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

The employee's supervisor should be notified when an assigned vehicle becomes inoperative or needs repair.

702.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features have been diminished shall be immediately removed from service for inspection and repair.

702.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s use parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Severe conditions may include rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured in the weapons locker prior to the vehicle being released for outside maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the car is equipped in accordance with the Patrol Car inventory form.

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702.3.2 UNMARKED VEHICLES
An employee driving an unmarked department vehicle shall ensure that the car is equipped in accordance with the unmarked car equipment inventory form.

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702.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, Officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-half tank. Vehicles shall only be refueled at an authorized location.

702.5 WASHING OF VEHICLES
All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

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Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Minot to provide assigned take-home vehicles.

703.2 POLICY

The Minot Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The Patrol Supervisor shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established procedure. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Patrol Supervisor. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

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All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify Minot Central Dispatch. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Division Commander approval.

703.3.7 KEYS

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

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703.3.9 ALCOHOL
Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.10 PARKING
Except when responding to an emergency or whendepartment-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

703.3.11 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Division Commander.

703.3.12 CIVILIAN MEMBER USE
Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES
Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE
Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE
Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the Department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Minot City limits.

(d) Vehicles will be locked when not attended.

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(e) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of Minot is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Minot may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

    (a) In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.

    (b) When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.

    (c) When the member has received permission from the Chief of Police or Division Commanders.

    (d) When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.

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1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
2. All weapons shall be secured while the vehicle is unattended.
3. All department identification, portable radios and equipment should be secured.

(g)

(h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Minot Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

See Vehicle Maintenance policy.

(a)

(b)

(c)

(d)

(e)

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(g)

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved. Any use of unmarked vehicles by

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those who are not assigned to the division to which the vehicle is assigned shall also be recorded with the Patrol Supervisor on the shift assignment roster.

703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction (see the Traffic Accident Response and Reporting Policy).

Damage to any department vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Patrol Supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

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Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 POLICY

It is the policy of the Minot Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.5 PETTY CASH AUDITS

The fund manager mat perform an annual. This audit requires that the manager and at least one other command staff member, selected by the Chief of Police, review the ledger and verify the accuracy of the accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

704.6 ROUTINE CASH HANDLING

Members who handle cash as part of their regular duties (e.g., Records Officers, the Ward County Narcotics Task Force supervisor, those who accept payment for department services) will

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discharge those duties in accordance with the procedures established for those tasks (see the Property and Evidence and Informants policies).

704.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in the possession of cash that is not their property or is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property in accordance with the Property and Evidence and Informants policies.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The Minot Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for storage and periodicmaintenance of issued PPE. PPE should be stored in the issued bag and in an appropriate location so that it is available when needed. Members should store their issued PPE in or on top of their assigned locker.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection should meet or exceed industry standards for use at firing ranges (29 CFR 1910.95).

705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the

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prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster should ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133).

705.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds in violent crowd control situations should be provided head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection.

705.7 RESPIRATORY PROTECTION

The Administrative Commander is responsible for insuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan should include procedures for (29 CFR 1910.134):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

705.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander should

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reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

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(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

(e) They are directed by a scene supervisor.

705.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA within the incident area hot zone should not cease until approved by a scene commander.

705.7.5 RESPIRATOR FIT TESTING

No member should be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134).

After initial testing, fit testing for respiratory PPE should be repeated (29 CFR 1910.134):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS

The Administrative Captain is responsible for maintaining records of all:

(a) PPE training.

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(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records should be maintained in accordance with the department records retention schedule and 29 CFR 1910.1020.

705.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members should be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132).

Members issued respiratory PPE should attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134).

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Chapter 8 - Support Services

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Dispatch

800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Minot Central Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

800.2 POLICY

It is the policy of the Minot Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability for continuous communication between Minot Central Dispatch and department members in the field.

800.3 MINOT CENTRAL DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Minot Central Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Minot Central Dispatch.

Access to Minot Central Dispatch shall be limited to Minot Central Dispatch members, the Patrol Supervisor, command staff and department members with a specific business-related purpose.

800.4 RESPONSIBILITIES

800.4.1 PSAP MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a PSAP Manager. The PSAP Manager is directly responsible to the Patrol Division Division Commander or the authorized designee.

The responsibilities of the PSAP Manager include, but are not limited to:

(a) Overseeing the efficient and effective operation of Minot Central Dispatch in coordination with other supervisors.

(b) Scheduling and maintaining dispatcher time records.

(c) Supervising, training and evaluating dispatchers.

(d) Ensuring the radio and telephone recording system is operational.

1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

(e) Processing requests for copies of Minot Central Dispatch information for release.

(f) Maintaining Minot Central Dispatch database systems.

(g) Maintaining and updating Minot Central Dispatch procedures manual.

1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim

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of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.

2. Ensuring dispatcher compliance with established policies and procedures.

(h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.

(i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

800.4.2 ADDITIONAL PROCEDURES

The PSAP Manager should establish procedures for:

(a) Recording all telephone and radio communications and playback issues.

(b) Storage and retention of recordings.

(c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).

(d) Availability of current information for dispatchers (e.g., Patrol Supervisor contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).

(e) Assignment of field members and safety check intervals.

(f) Emergency Medical Dispatch (EMD) instructions.

(g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

(h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

(i) Protection of radio transmission lines, antennas and power sources for Minot Central Dispatch (e.g., security cameras, fences).

(j) Handling misdirected, silent and hang-up calls.

(k) Handling private security alarms, if applicable.

(l) Radio interoperability issues.

800.4.3 DISPATCHERS

Dispatchers report to the PSAP Manager. The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:

1. Emergency 9-1-1 lines.

2. Business telephone lines.

3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.

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4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
5. Other electronic sources of information (e.g., text messages, digital photographs, video).

(b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through PSAP Manager, department and other law enforcement database systems (e.g., BCI, CJIS, NDDOT, NCIC).

(d) Monitoring department video surveillance systems.

(e) Maintaining the current status of members in the field, their locations and the nature of calls for service.

(f) Notifying the Patrol Supervisor or field supervisor of emergency activity, including, but not limited to:

1. Vehicle pursuits.
2. Foot pursuits.
3. Assignment of emergency response.

800.5 CALL HANDLING

This department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Minot Central Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

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If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

800.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Patrol Supervisor shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

800.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

800.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Members acknowledging the dispatcher with their radio identification call signs and current location.

(b) Dispatchers acknowledging and responding promptly to all radio transmissions.

(c) Members keeping the dispatcher advised of their status and location.

(d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Minot Central Dispatch shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

800.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Minot Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

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800.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

800.7 DOCUMENTATION

It shall be the responsibility of Minot Central Dispatch to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member’s arrival.
- Time of member’s return to service.
- Disposition or status of reported incident.

800.8 CONFIDENTIALITY

Information that becomes available through Minot Central Dispatch may be confidential or sensitive in nature. All members of Minot Central Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as NDDOT records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

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Property and Evidence

801.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property.

801.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Property Section, including:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.

801.2 PROPERTY SECTION SECURITY

The Property Section shall maintain secure storage and control of all property in the custody of the Department. The Records Officer reports to the Records Sergeant and is responsible for the security of the Property Section. Property Section keys are maintained only by the Records Officer and Records Sergeant. An additional key is in a sealed and initialed envelope maintained in the safe in the Chief of Police's office. The Records Officer and the Records Sergeant shall not loan Property Section keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Property Section other than the Records Officer, Records Sergeant, or Evidence Technician must be accompanied by the Records Officer or the Records Sergeant.

801.3 PROPERTY HANDLING

Any employee who comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated locker or storage room, along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the appropriate form acknowledging receipt of the item.

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Property and Evidence

801.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

(a) Complete the property form describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.

(b) Place the item or items in a temporary property locker with the completed property intake receipt. If an item is sealed by the officer, they shall place their initials and date the seal.

(c) If applicable, individually package item(s) in appropriate containers.

(d) The property receipt shall be placed in the temporary evidence/property locker with the item(s), or with the item(s) if stored somewhere other than an evidence/property locker.

(e) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any department supply room or other location that can be secured from unauthorized entry if approved by the Records Sergeant. The location shall be secured to prevent entry and a completed property form placed into a numbered property locker indicating the location of the property.

801.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Drug and narcotics paraphernalia shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated narcotics locker accompanied by the property receipt.

801.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify an immediate supervisor or the Patrol Supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Any fireworks that are considered stable and safe and road flares or similar signaling devices, and stable flammable liquids shall be stored in the flammable storage container located in the impound lot. The bomb squad is responsible for disposing of these items.

801.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Any evidence collected which may contain DNA, should be properly labeled as such.

(b) Property stained with bodily fluids such as blood or semen shall be air-dried prior to booking.

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(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Records Officer or placed in the bicycle storage area until a Records Officer can log the property.

(d) All cash shall be counted in the presence of another officer and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of $1,000. The supervisor shall also witness the count and will initial and date the property documentation and specify any additional security procedures to be used.

(e) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property form.

(f) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

801.3.5 COMPUTERS AND WIRELESS DEVICES

Due to the ability to remotely access computers and wireless devices, officers should follow the prescribed procedures for the intake of such devices:

(a) Officers shall complete the property intake receipt, as well as the electronic device intake form.

(b) Devices that are powered on, should remain powered on, and connected to an external power pack. If possible put them on "airplane mode" and turn off the wifi.

(c) Wireless devices should be placed in a Faraday bag, or wrapped in at least three (3) layers of foil, unless they are seized while on "airplane mode", or powered off.

(d) All items will be placed in a temporary evidence/property locker for processing by the Records Division.

(e) If circumstances are time sensitive, officers should consult with the Records Sergeant about routing the item(s) to the Investigations Division for processing.

801.4 PACKAGING OF PROPERTY

Packaging will conform to certain procedures. Certain items require special consideration and shall be booked separately as follows:

(a) Controlled substances

(b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)

(c) Property with more than one known owner

(d) Drug paraphernalia

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(e) Fireworks

(f) Contraband

(g) Biohazards

801.4.1 PACKAGING CONTAINER
Employees shall package all property in a suitable container that is appropriate for its size. Knife boxes should be used to package knives or any other sharp items. Syringe tubes should be used to package syringes and needles.

A property receipt shall be placed in the property/evidence locker with the items being entered.

801.4.2 PACKAGING CONTROLLED SUBSTANCES
The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in an evidence locker, accompanied by the appropriate forms.

Narcotics and dangerous drugs shall be packaged and sealed in a container of appropriate size, available in the equipment room. Controlled substances shall not be packaged with other property.

801.4.3 RIGHT OF REFUSAL
The Records Officer has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Records Officer refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer's supervisor.

801.5 RECORDING OF PROPERTY
The Records Officer receiving custody of evidence or property shall create a property control card for each piece of property received. The property control card will be the permanent record of the property in the Property Section. The Records Officer will record his/her signature, the gross package weight if it is a controlled substance to be used as evidence, the date and time the property was received and where the property will be stored.

A property logbook shall be maintained and a unique property number created for each piece of property received. The logbook shall record, by property number, the date received, case number, tag number, item description, item location and date disposed. A unique property number shall be obtained for each item or group of items from the logbook. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Minot Police Department shall be noted in the property logbook.

801.6 PROPERTY CONTROL
Each time the Records Sergeant or Records Officer receives property or releases property to another person, he/she shall enter this information on the property control record. Officers desiring

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property for court shall contact the Records Sergeant or Records Officer at least one day prior to the court day.

801.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the property form shall be completed to maintain the chain of custody. No evidence is to be released without first receiving authorization from a supervisor or investigator. Found property may be released to the rightful owner without prior approval of a supervisor or investigator.

Request for analysis of items other than controlled substances shall be recorded on the property form.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Records Officer releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item, the officer will record the delivery time on both copies and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

801.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property record, stating the date, time and to whom it was released.

The Records Sergeant or Records Officer shall obtain the signature of the person to whom property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Property Section or released to another authorized person or entity.

The return of the property should be recorded on the property record, indicating date, time and the person who returned it.

801.6.4 AUTHORITY TO RELEASE PROPERTY

The Records Officer shall not release any property without a signed authorization from an appropriate authorized member of the Department. The Investigations Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a Records Officer shall, upon the request of the owner:

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(a) Provide a list describing the property, unless such release would seriously impede an investigation.

(b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

801.6.5 RELEASE OF PROPERTY

A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

Property belonging to a crime victim shall be promptly released to the victim unless needed for evidence within 10 days of being taken or recovered, or as expeditiously as possible, unless the property is contraband or otherwise excluded (N.D.C.C. § 12.1-34-02(9)). Property seized pursuant to a search warrant may not be released without a court order indicating so.

Release of property shall be documented on a property form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the releasing officer and must conform to the items listed on the property form or must specify the specific item to be released. Release of all property shall be properly documented.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available.

A Records Officer shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder, for which an authorized release has been received. The owner or finder may be required to pay any costs incurred by the agency, such as costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property entered on the property form, the form shall be forwarded to the Records Section for filing with the case. If some items of property have not been released, the property form will remain with the Property Section.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs.

801.6.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property that is in the custody of this department shall be restored to the legal owner upon receipt of a court order (N.D.C.C. § 29-01-21). However, goods used for personal, family or household purposes or property that is covered by a certificate of title may be released to the legal owner without necessity of a court order (N.D.C.C. § 29-01-20).

The Department shall deliver stolen or embezzled property that has not been claimed by the owner within six months following the conclusion of criminal court proceedings to the county treasurer.

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Property that is not money shall be sold and the proceeds paid to the county treasurer (N.D.C.C. § 29-01-24).

801.6.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or establishes proof of the undisputed right to the property (N.D.C.C. § 12.1-34-02(9)).

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

801.6.8 RELEASE AND DISPOSAL OF FIREARMS AND AMMUNITION

Under no circumstances should any firearm or ammunition be returned to any individual unless and until such person presents valid identification and proof that the individual may legally possess such items.

Pursuant to a court order, a forfeited dangerous weapon may be sold at public auction, sold or traded to other law enforcement agencies or dealers, retained for use or destroyed (N.D.C.C. § 62.1-01-02).

The Records Officer shall determine if a firearm has been lost by, stolen from or otherwise unlawfully obtained from an innocent owner and notify the owner, if located, before disposal. Dispositions of firearms shall follow the steps and reporting set forth in N.D.C.C. § 62.1-01-02.

801.7 DISPOSITION OF PROPERTY

The Records Sergeant shall request a disposition or status on all property that has been held in excess of 120 days and for which no disposition has been received from a supervisor or detective or as required by local ordinance (N.D.C.C. § 40-05-02(20)).

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be sold at a public auction in compliance with existing laws, upon receipt of proper authorization for disposal. The Records Sergeant shall request a disposition or status on all property which has been held in excess of 120 days and for which no disposition has been received from a supervisor or detective or as required by local ordinance (N.D.C.C. § 40-05-02(20)).

Property not held for any other purpose and not claimed after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. Property with an estimated value of $500 or more will be advertised in the local print media before it is destroyed or auctioned. The final disposition of all such property shall be fully documented in related reports.

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Property and Evidence

Upon any release or sale of any property, the proper notation shall be made on the property record. Proceeds from the sale of unclaimed property shall be deposited into the City treasury, minus reimbursement for department expenses.

801.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Narcotics
- Unclaimed, stolen or embezzled property
- Destructive devices
- Abandoned vehicles (N.D.C.C. § 23.1-15-07)
- Evidence related to a criminal offense before adjudication of the offense or expiration of the statute of limitations (N.D.C.C. § 12.1-34-02)

801.7.2 UNCLAIMED MONEY

If money is no longer required as evidence and remains unclaimed after three years, the money is presumed abandoned property and shall be turned over to the Unclaimed Property Division of the North Dakota Department of Trust Lands (N.D.C.C. § 47-30.1-13).

Lost money turned over to this department shall be handed over to the finder if it is not claimed by the true owner within two years. The finder also may be entitled to a reward from the state's Unclaimed Property Administrator (N.D.C.C. § 60-01-34; N.D.C.C. § 60-01-37).

801.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Investigations Division supervisor shall ensure that no biological evidence is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The Investigations Division Division supervisor

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Biological evidence shall be retained for a minimum period established by law or the Investigations Division Division supervisor, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigations Division Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

801.7.4 RETENTION OF SEXUAL ASSAULT EVIDENCE
Sexual assault evidence collected from cases that have not been investigated should be retained for a minimum of seven years or until the victim turns 22 years of age, whichever occurs later.

801.8 REPORT OF ABANDONED PROPERTY

The Records Sergeant shall complete and file a North Dakota Unclaimed Property Report Summary to the Unclaimed Property Division of the Department of Trust Lands annually (N.D.C.C. § 47-30.1-17). The report shall be submitted no later than November 1 for property deemed abandoned as of the preceding June 30.

Within 120 days of filing the report, the Records Officer shall send a written notice to any apparent owner of abandoned property at the owner's last known address that the Department has possession of the property. This notice shall be sent if all of the following are met:

(a) The department has an address for the apparent owner, which reasonably appears to be accurate.

(b) The claim of the apparent owner is not barred by the statute of limitations.

(c) The property has a value of $50 or more.

801.9 INSPECTIONS OF THE PROPERTY SECTION

On a monthly basis, the Investigations Division supervisor shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(a) Unannounced inspections of evidence storage areas shall be conducted annually, as directed by the Chief of Police.

(b) An annual audit of evidence held by the Department shall be conducted by a Division Commander, who is not routinely or directly connected with evidence control, as assigned by the Chief of Police.

(c) Whenever a change is made in personnel who have access to the Property Section, an inventory of all evidence/property shall be done by an individual not associated with

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the Property Section or its function to ensure that records are correct and all evidence property is accounted for.

801.10 POLICY

It is the policy of the Minot Police Department to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

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Records Division

802.1 PURPOSE AND SCOPE

The Records Sergeant shall keep the department Records Section procedures on a current basis to reflect the process being followed within the Records Section. Policies and procedures that apply to all employees of this department are contained in this chapter.

802.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 13-00001 would be the first new case beginning January 1, 2013.

802.2 FILE ACCESS

All reports including, but not limited to, initial, supplemental, follow-up, evidence and all reports related to a case shall be maintained in a secure area within the Records Section, accessible only to authorized personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Patrol Supervisor.

Minot Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

802.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Section. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Records Sergeant. All original reports removed from the Records Section shall be recorded on the report check-out log, which shall constitute the only authorized manner by which an original report may be removed from the Records Section.

All original reports to be removed from the Records Section shall be photocopied and the photocopy retained in the report file location of the original report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

802.3 RECORDS MANAGER TRAINING

The Records Sergeant shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under state and federal law.

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Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

803.1.1 DEFINITIONS

Definitions related to this policy include (N.D.C.C. § 44-04-17.1):

Closed record - All or part of an exempt record that the Department has determined should not be open to the public.

Confidential record - A record that is declared confidential or is prohibited by law from being open to the public.

Exempt record - A record that is not confidential, nor is required by law to be open to the public. These records may be open to the public at the discretion of the Department .

Record - Recorded information of any kind, regardless of the physical form or characteristic by which the information is stored, recorded or reproduced. These records are in the possession of a public entity and either contain information relating to public business or are intended to be used in connection with public business. This does not include unrecorded thought processes or mental impressions, but does include preliminary drafts and working papers. It also does not include records possessed by a court of this state.

803.2 POLICY

The Minot Police Department is committed to providing public access to records in a manner that is consistent with the North Dakota Open Records Law (N.D.C.C. § 44-04-18 et seq.).

803.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.

(b) Maintaining and updating the department records retention schedule including:

1. Identifying the minimum length of time the Department must keep records.

2. Identifying the department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.

1. Making these rules available to the public.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

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(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available.

1. The requesting party will be required to pay in advance the actual cost of postage and any established fee up to 25 cents per impression of a paper copy for each record sought. A reasonable fee will be set by the Department for making the copy of a record that is not a paper copy (N.D.C.C. § 44-04-18(2)).

2. The Department will impose a fee not exceeding $25 per hour per request, excluding the initial hour, for locating records, including electronic records, if locating the records requires more than one hour. The Department will also impose a fee not exceeding $25 per hour, per request, excluding the initial hour, for excising confidential or closed material from the records, including electronic records (N.D.C.C. § 44-04-18(2)).

3. An electronic copy of a record must be provided upon request at no cost, other than costs for retrieval, except if the nature or volume of the public records requested to be accessed or provided requires extensive use of information technology resources, the Department may charge no more than the actual cost incurred for the extensive use of information technology resources (N.D.C.C. § 44-04-18(3)).

803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

803.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

(a) The Department is not required to create records that do not exist (N.D.C.C. § 44-04-18(4)).

(b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (N.D.C.C. § 44-04-18.10).

(a) A copy of the redacted release should be maintained in a file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(b) An employee may disclose or comment on the substance of an open record as allowed by policy. Any agreement prohibiting the disclosure or comment is void and against public policy.

(c) Except as otherwise provided by law, all public records will be accessible for inspection during reasonable office hours (N.D.C.C. § 44-04-18(1)).

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(d) Upon request made in person or in writing for a copy of a public record subject to release, the Department shall furnish the requesting party in person or by mail one copy of the public records requested (N.D.C.C. § 44-04-18(2)).

1. Reasonable public access to electronic public records shall be maintained and provided by the Department while ensuring that exempt or confidential records are not disclosed except as otherwise permitted by law (N.D.C.C. § 44-04-18(3)).
2. The Department is not required to provide an electronically stored record in a different structure, format, or organization provided the information can reasonably be accessed (N.D.C.C. § 44-04-18(4)).
3. Access to an electronically stored record or copies of records must be provided at the requesting party's option in either a printed document or through any other available medium. A computer file is not an available medium if redaction of any closed or confidential information contained in that file is not possible (N.D.C.C. § 44-04-18(4)).
4. The Department is not required to provide a copy of a record that is available on the Department's website or on the internet. The Custodian of Records shall notify the requesting party the record is available online and direct him/her to the applicable website. If the requesting party does not have reasonable access to the internet, paper copies shall be provided upon payment of the applicable fees (N.D.C.C. § 44-04-18(4)).
5. The Department may allow a requesting party to use a personal device to duplicate records, and if so, shall establish reasonable procedures to protect the integrity of the records (N.D.C.C. § 44-04-18(12)).

(e) Records of the Department that are closed or confidential may be disclosed to any public entity or federal agency for the purpose of law enforcement or collection of debts owed to a public entity, unless otherwise prohibited by law, provided that the records are not used for other purposes and the closed or confidential nature of the records is otherwise maintained. Such disclosure of confidential records to another public entity continue to be confidential in the possession of the receiving entity, except as otherwise provided by law (N.D.C.C. § 44-04-18.10).

(f) Any request by a party to a criminal or civil action, adjudicative proceeding, or arbitration in which the Department is a party, or by an agent of the party, will be honored subject to applicable discovery rules. The Department may deny a request if the request seeks records that are privileged under applicable discovery rules (N.D.C.C. § 44-04-18(6)).

(g) At the request of a victim, one copy of each report or record relevant to his/her case should be provided unless it is confidential or a court determines that disclosure would substantially interfere with an investigation (N.D. Const. art. I, § 25).

(h) The Department may require written clarification of a request to determine what records are being requested, but may not ask the motive or reason for requesting the records or for the identity of the requesting party (N.D.C.C. § 44-04-18(2)).

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(i) If a request is for a confidential record, the department may require the requester to provide verification of the authority to release the record. See ND AG Opinions: 2009-0-02; 2008-0-08; 2007-0-03; 2006-0-15; 2005-0-09; 2003-0-21.

803.4.2 DENIALS
The denial of a request for records is subject to the following:

If access to any public record is denied, the requesting party may request a written statement of the grounds for the denial. The Custodian of Records shall respond in writing, citing the law, regulation or authority under which access is denied or a statement that the record does not exist (N.D.C.C. § 44-04-18(7)).

If repeated requests for records become disruptive to the essential function of the Department, inspection and/or copies of records may be refused. In such event, the Custodian of Records shall provide the requesting party with written reasons supporting the refusal (N.D.C.C. § 44-04-18(13)).

803.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any department record, including traffic accident reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Confidential information such as any telephone number and the home address of any employee; records or other information that would reveal the identity or endanger the life or physical well-being of an undercover officer; or any record containing the work schedule of employees (N.D.C.C. § 44-04-18.3).

(c) Personnel records, medical records, and similar records which would involve personal privacy (N.D.C.C. § 44-04-18.1).

1. This includes information regarding the type of leave taken by an employee and leave that has been applied for but not yet taken (N.D.C.C. § 44-04-18.1).
2. Information related to the fitness, character, behavior, or other qualifications of an applicant for a position as a law enforcement officer, including the identities of any individuals interviewed regarding such information.

(d) Certain 9-1-1 records (N.D.C.C. § 44-04-18.21; N.D.C.C. § 57-40.6-07).

(e) Any record containing an address, telephone number, or any identifying information that, if released, could reasonably be used to locate or identify a victim or alleged victim of domestic violence, sex offenses under Chapters 12.1-20 or 12.1-27.2, or human trafficking under Chapter 12.1-41 of North Dakota's Criminal Code (N.D.C.C. § 44-04-18.20).

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(f) Any record regarding a delinquent child or that is a compilation of a minor's name, address, telephone number, or any combination thereof (N.D.C.C. § 27-20.2-23; N.D.C.C. § 27-20.4-25; N.D.C.C. § 44-04-18.13).

(g) The name and any other information that would identify any victim or witness to a crime as allowed by law (N.D.C.C. § 12.1-34-03; N.D.C.C. § 12.1-34-02).

1. In the event a request is made for any confidential or privileged information about the victim or any information that could be used to locate or harass a victim or the victim's family, the Custodian of Records shall promptly notify the crime victim liaison (N.D. Const. art. I, § 25).

(h) The identity, pictures, and images of any victim of human trafficking or of the victim's family members unless the information is required to be released by a court order; the information is necessary for investigation or prosecution of the offense; or the information is necessary to ensure provision of services or benefits for the victim or victim's family (N.D.C.C. § 12.1-41-10).

(i) Crime scene images of a victim of a homicide or sex crime or any image of a minor victim of any crime is an exempt record. Descriptions of crime scene images that include a minor or minor victim or parts of a record containing such descriptions are also exempt except where allowed by law (N.D.C.C. § 44-04-18.7).

(j) Interviews and statements of child victims or child witnesses obtained during an investigation of a violent or sexual crime (N.D.C.C. § 12.1-35-03).

(k) Any image taken in a private place by a member's body camera or similar device (N.D.C.C. § 44-04-18.7).

(l) Information that would identify or provide a means of identifying a confidential informant, if the identity of the informant is not otherwise publicly known (N.D.C.C. § 44-04-18.3).

(m) Active criminal intelligence information and active criminal investigative information, and personal information of any person contained in an active or inactive file (N.D.C.C. § 44-04-18.7).

1. Active investigatory work product (N.D.C.C. § 44-04-19.1(3)).

2. A computerized index of names included in criminal files, whether active or inactive (N.D.C.C. § 44-04-18.7(7)).

3. However, the Department shall maintain a list of all files containing active criminal intelligence and investigative information that have been in existence for more than one year. The list is subject to proper disclosure (N.D.C.C. § 44-04-18.7(1)).

(n) Intelligence information, law enforcement techniques, or security procedures (N.D.C.C. § 44-04-24; N.D.C.C. § 44-04-25).

(o) Computer software programs and passwords (N.D.C.C. § 44-04-18.5; N.D.C.C. § 44-04-27).

(p) Attorney work product that was created exclusively for civil or criminal litigation or in anticipation of potential litigation involving this department (N.D.C.C. § 44-04-19.1).

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(q) Records related to an active internal investigation of a complaint against the Department or a member for misconduct. Restriction is limited until the investigation is complete or 75 days have passed from the date of the complaint, whichever occurs first (N.D.C.C. § 44-04-18.1(6)).

(r) Other records where:

1. Such inspection would be contrary to any state statute.
2. Such inspection would be contrary to any federal statute or regulation.
3. Such inspection is prohibited by rules or procedures promulgated by the North Dakota Supreme Court or by the order of any court.

803.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information (N.D.C.C. § 44-04-18.11).

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the City Attorney or State's Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

803.7 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is expunged, members shall respond to any inquiry as though the record did not exist.

803.8 SECURITY BREACHES

Members who become aware that any Minot Police Department system containing personal information may have been breached should notify the Records Sergeant as soon as practicable.

The Records Sergeant shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person. If the breach involves more than 250 individuals, notice shall also be given by mail or email to the Attorney General (N.D.C.C. § 51-30-02).

Notice shall be given in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of the Minot Police Department or any measures necessary to determine the scope of the breach and to restore the integrity of the data system. Notice may be delayed if notification will impede a criminal investigation (N.D.C.C. § 51-30-02).

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For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (N.D.C.C. § 51-30-01):

(a) Social Security number

(b) Driver's license number or North Dakota identification card number

(c) Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account

(d) Date of birth

(e) Maiden name of individual's mother

(f) Medical information or health insurance information

(g) Employee identification number in combination with any required security code, access code or password

(h) Digitized or other electronic signature

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Records Sergeant should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

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Protected Information

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Minot Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Minot Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

804.2 POLICY

Members of the Minot Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, the National Law Enforcement Telecommunications System (NLETS), North Dakota Department of Transportation records and the North Dakota Criminal Justice Information Sharing (CJIS) system.

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice’s current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

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(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Minot Police Department policy or training (N.D.C.C. § 12-60-16.10). Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution (N.D.A.C. § 110-01-02-02; N.D.C.C. § 12-60-16.10).

804.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know (N.D.A.C. § 10-13-04-01).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Sergeant for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation (N.D.C.C. § 12-60-16.5). Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Requests for CHRI from non-criminal justice sources shall be referred to BCI by providing the requestor with the appropriate request form, which should be supplied by BCI (N.D.A.C. § 10-13-05-01).

804.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information (N.D.A.C. § 10-13-06-01).

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The responsibilities of this position include, but are not limited to (N.D.A.C. § 10-13-06-03):

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

804.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

804.6.2 DESTRUCTION OF RECORDS

When any document received through CJIS, including CHRI, has served the purpose for which it was obtained and is eligible for destruction, it shall be disposed of via a permanent destruction method, in compliance with the organization’s records retention schedule. At no time shall documents merely be placed in a trash receptacle.

Each employee shall be responsible for properly destroying CHRI and CHRI documents he/she receives.

804.6.3 PURGING

Purging allows for the retention of records, or portions of records, that are not the direct objective of a purge order. An entire record may be destroyed, including fingerprints, photos, and arrest and disposition data, or only specific portions of a record may be destroyed (N.D.A.C. § 10-13-11-02).

804.6.4 SEALED RECORDS

Records may be sealed by attaching a special marking to sealed files, or by removal from the general record file and storage in a separate, secured file. In automated systems, sealing will be accomplished by limiting access to the sealed records, or portions of the records, to specific terminals or specifically authorized persons, or both (N.D.A.C. § 10-13-11-04). The Department may access sealed records for the following purposes (N.D.A.C. § 10-13-11-03):

(a) Records management

(b) Review by the record subject

(c) Authorized research and statistical purposes

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(d) Upon court order

804.7 REVIEW OF AND CHALLENGE TO RECORDS

804.7.1 REVIEW OF RECORDS
Upon written request and with proper proof of identification, an individual or an authorized representative may review, in person, his/her own CHRI on file with the Department. However, an individual is not entitled to data contained in intelligence, investigatory or other related files. If an individual seeks to review records not held by the Department, the individual should be directed to the applicable agency (N.D.A.C. § 10-13-07-01).

The written request will be forwarded to BCI within five working days. Upon return of the information from BCI, the department member will notify the requesting party when the information is available for review during normal working hours (N.D.A.C. § 10-13-07-04; N.D.A.C. § 10-13-07-06).

The requesting party may make notes of the information but will not be provided a copy except when the information is challenged, and then only those portions being challenged will be copied (N.D.A.C. § 10-13-07-08).

804.7.2 NEGATIVE RESPONSE
The Department may deny inspection of a record if the subject of the record is not satisfactorily identified. The Department also can deny inspection if no record for the individual is found. In either situation, the individual will be informed, in writing, of the reason for the negative response and will be advised of his/her right to challenge the denial (N.D.A.C. § 10-13-07-07).

804.7.3 DENIED ACCESS
If an individual is denied the right to inspect his/her criminal history record, he/she may challenge this denial by submitting a challenge form and a complete set of fingerprints within 10 days of the denial.

The Department must, within 30 days, either allow inspection of the record requested, or respond to the individual, in writing, as to why the denial is upheld (N.D.A.C. § 10-13-07-09).

804.7.4 CHALLENGE TO RECORDS
The subject of any record may challenge, in writing, the completeness or accuracy of his/her criminal history record entries and request that incomplete or inaccurate entries be corrected. The subject of the record must specify which entries are incomplete or inaccurate.

Upon challenge, the Department shall conduct an administrative review of the alleged incomplete or incorrect entries, and shall notify the individual, in writing, of the result of the review. This shall be done within 20 working days of receiving the challenge (N.D.A.C. § 10-13-07-10).

The Records Sergeant or the authorized designee shall:

(a) Review the request for correction and make a determination of whether to grant or refuse the request, in whole or in part.

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(b) If a correction is warranted, notify the requestor, ensure the change is made in the records of the Minot Police Department and forward corrected copies to other applicable agencies, including:

1. Two copies of BCI.
2. All criminal justice and non-criminal justice agencies that have received the erroneous information within the year preceding the correction (N.D.A.C. § 10-13-07-12).

(c) If the requested correction is refused, promptly provide the requestor with a written statement of the grounds for the refusal.

(d) Upon request, the names of all non-criminal justice agencies to which the data has been disseminated should be given to the requestor.

If the Department is not also the originating agency, the original challenge form and any related documents must be forwarded to the originating agency, or, in the case of challenges claiming incompleteness, to the agency that can verify the notations that the subject of the record believes should be included. The Department shall retain a copy of the original challenge form (N.D.A.C. § 10-13-07-11).

804.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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Animal Control

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Minot Police Department personnel when interacting with animals and responding to calls for service involving animals.

805.2 POLICY

It is the policy of the Minot Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local and state laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

805.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone; members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
2. With the owner’s consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

805.3.1 STRAY ANIMALS

If an animal has a license or can otherwise be identified, the owner should be contacted, if reasonably possible. If the owner is contacted, the animal should be released to the owner and a citation may be issued if appropriate. If an animal is taken into custody, it shall be transported to the animal shelter or other designated area, making sure the animal has food, water and bedding.

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An officer may take custody of any animal that appears to have been abandoned. The officer shall take reasonable steps to find the owner of any abandoned animal that has been taken into custody.

An animal pick-up form must be completely filled out and placed in the animal control officer's in-box. The animal control officer will transport any animals in the holding pens to the animal shelter as soon as he/she comes on-duty. Once an animal has been taken into custody, all releases should be handled by the animal shelter. In cases where an animal control officer is not available, the Patrol Supervisor shall designate an alternate to transport so that animals are not held in the holding pens unnecessarily for extended periods.

805.3.2 CONFISCATION OF NON-TRADITIONAL LIVESTOCK
Members may seize any non-traditional livestock, as defined by N.D.C.C. § 36-01-00.1, that is located on private property if probable cause exists that the animal is being held in violation of state law and there are exigent circumstances requiring the immediate confiscation of the animal. To seize the animal, the member must seek an ex parte order from the appropriate court as required by N.D.C.C. § 36-01-12.2.

805.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member or City Sanitation should be contacted to dispose of the animal. The ACO vehicle should be utilized for transporting deceased animals in lieu of utilizing a patrol car.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

805.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

805.6 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

(a) Animal-related matters during periods when Animal Control is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

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805.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced including but not limited to N.D.C.C. § 36-21.2-01 et seq.

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty (N.D.C.C. § 36-21.2-06).

(c) Making notifications related to the seizure of an animal (e.g., owner, state officials) that may be required under state law.

805.8 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

805.9 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Patrol Supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

805.10 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

805.11 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

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Jeanne Clery Campus Security Act

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

806.2 POLICY

The Minot Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Minot Police Department facility. Reports will be accepted anonymously, by phone or via email or on the academic institution's website.

It is the policy of the Minot Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Minot Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

806.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

(a) Ensure that the Minot Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).

(b) Enter into agreements as appropriate with local law enforcement agencies to:

1. Identify roles in the investigation of alleged criminal offenses on campus 20 USC § 1092(f)(1)(C)(ii).
2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities 20 USC § 1092(f)(1)(G)).
3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation 20 USC § 1092(f)(1)(J)).
4. Notify the Minot Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
5. Notify the Minot Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in making information available to

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the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).

(d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).

(e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including, but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).

(f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

806.4 RECORDS COLLECTION AND RETENTION

The Records Section supervisor is responsible for maintaining Minot Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).

The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter
8. Arson

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9. Arrests of persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession

10. Dating violence, domestic violence and stalking

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).

(c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)).)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):

1. On campus.

2. In or on a non-campus building or property.

3. On public property.

4. In dormitories or other on-campus, residential or student facilities.

(d) Statistics will be included by the calendar year in which the crime was reported to the Minot Police Department (34 CFR 668.46(c)(3)).

(e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).

(f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).

(g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

806.4.1 CRIME LOG

The Records Section supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

(a) The daily crime log will record all crimes reported to the Minot Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.

(b) All log entries shall be made within two business days of the initial report being made to the Department.

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(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

806.5 INFORMATION DISSEMINATION

It is the responsibility of the Records Division Supervisor to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with the institution's procedures. This includes:

(a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e) and (g)).

(b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:

1. Crime statistics and the policies for preparing the crime statistics.
2. Crime and emergency reporting procedures, including the responses to such reports.
3. Policies concerning security of and access to campus facilities.
4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including:
   (a) Procedures victims should follow.
   (b) Procedures for protecting the confidentiality of victims and other necessary parties.
5. Enforcement policies related to alcohol and illegal drugs.
6. Locations where the campus community can obtain information about registered sex offenders.

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Jeanne Clery Campus Security Act

7. Emergency response and evacuation procedures.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

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Chapter 9 - Custody

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Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Minot Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department that is performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Minot Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Minot Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than four hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Minot Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

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(d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical and/or mental health professional.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (N.D.C.C. § 12-44.1-13).

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

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(a) Authorized members entering for official business purposes.

(b) Emergency medical personnel when necessary.

(c) Any other person authorized by the Patrol Supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. If there is any suspicion that the individual may be suicidal, he/she shall be transported to jail or the appropriate mental health facility.

The officer should promptly notify the Patrol Supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The Patrol Supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall (N.D.C.C. § 12-44.1-09):

(a) Advise the Patrol Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused, based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.

2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):

    (a) Continuous, direct sight and sound supervision.

    (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.

3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).

4. Ensure males and females are separated by sight and sound when in cells.

5. Ensure restrained individuals are not placed in a cell with unrestrained individuals.

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(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.

1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.

1. If the country is on the mandatory notification list, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.

(c) Forward any communication from the individual to his/her consular officers without delay.

(d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.

2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH, AND OTHER PROVISIONS

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Temporary Custody of Adults

900.5.1 TEMPORARY CUSTODY REQUIREMENTS
Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.

2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins.

(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) 1.

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches.

900.5.2 MEDICAL CARE
First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical responders as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Minot Police Department. They should be released or transferred to another facility as appropriate (N.D.C.C. § 12-44.1-14).

900.5.3 ORTHOPEDIC OR PROSTHETIC APPLIANCE
Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

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Whenever a prosthetic or orthopedic appliance is removed, the Patrol Supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.4 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival (N.D.C.C. § 12-44.1-14).

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

    1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

    1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.5.5 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (N.D.C.C. § 12-44.1-14). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed consistent with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

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The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Minot Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS
Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition (N.D.C.C. § 12-44.1-12). For example, an individual may request property, such as cash, car, house keys, medications, be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to sign the receipt and obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Patrol Supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Patrol Supervisor shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to department members.

(d) The individual's initial placement into and removal from a locked enclosure shall be logged.

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(e) Safety checks by department members shall occur no less than every 15 minutes.

1. Safety checks should be at varying times.
2. All safety checks shall be logged.
3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Division Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Minot Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate

(b) Immediate notification of the Patrol Supervisor, Chief of Police and Investigations Division Division Commander

(c) Notification of the spouse, next of kin or other appropriate person

(d) Notification of the appropriate prosecutor

(e) Notification of the City Attorney

(f) Notification of the Coroner

(g) Evidence preservation

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Minot Police Department unless escorted by a member of the Department.

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(g) Any known threat or danger the individual may pose (escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

900.11 ASSIGNED ADMINISTRATOR

The Patrol Division Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (N.D.C.C. § 12-44.1-03):

(a) General security

(b) Key control

(c) Sanitation and maintenance

(d) Emergency medical treatment

(e) Escapes

(f) Evacuation plans

(g) Fire and life safety

(h) Disaster plans

(i) Building and safety code compliance

(j) Annual review and update of policies and procedures (N.D.C.C. § 12-44.1-04)

900.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

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Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Minot Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Minot Police Department facilities. Except in exigent circumstances, the search should be conducted by a

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member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility (N.D.C.C. § 12-44.1-15).

901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

901.5 STRIP SEARCHES

No individual in temporary custody at any Minot Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual’s actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual’s genital status. If the individual’s genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.5.1 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

Strip searches at Minot Police Department facilities shall be conducted as follows (28 CFR 115.115):

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Custodial Searches

(a) Written authorization from the Patrol Supervisor shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Patrol Supervisor.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

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901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES
A strip search may be conducted in the field only with Patrol Supervisor authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Patrol Supervisor authorization does not need to be in writing.

901.6 PHYSICAL BODY CAVITY SEARCH
Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of the Patrol Supervisor and only upon a search warrantor approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician may conduct a physical body cavity search.

(c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Patrol Supervisor’s approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.

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7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search

(f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

901.7 TRAINING

The Administrative Captain shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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Prison Rape Elimination

902.1 PURPOSE AND SCOPE

This policy provides guidance for compliance with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse and sexual harassment (28 CFR 115.111).

902.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the individual in custody does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a member of the Department or a contractor, with or without consent of the individual in custody, as follows:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the department member or contractor has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the department member or contractor has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the department member or contractor has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by the department member or contractor to engage in the activities described above
- Any display by the department member or contractor of his/her uncovered genitalia, buttocks or breast in the presence of an individual in custody
- Voyeurism by the department member or contractor (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one individual in custody that are directed toward another; repeated verbal comments or gestures of a sexual nature to an individual in custody by a member of the Department or contractor, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

902.2 POLICY

The Minot Police Department has zero tolerance with regard to all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment, or who cooperates with a sexual abuse or sexual harassment investigation.

The Minot Police Department will take immediate action to protect those in its custody who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

902.3 PREA COORDINATOR

The Chief of Police shall delegate certain responsibilities to a PREA Coordinator. The Patrol Division Commander shall be appointed as the PREA Coordinator.. The PREA Coordinator must have sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards (28 CFR 115.111).

The responsibilities of the PREA Coordinator shall include, but not be limited to:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of individuals in custody includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect those in custody from sexual abuse (28 CFR 115.113).

1. This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

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(d) Developing methods for department members to privately report sexual abuse and sexual harassment of individuals in custody (28 CFR 115.151).

(e) Developing a written plan to coordinate response among department members, medical and mental health practitioners, investigators, command staff and other first responders to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents" or a similarly comprehensive and authoritative protocol.
2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to give, to the extent available, individuals in custody access to victim advocacy services if the individual is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that individuals with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes access to appropriate interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, speech or vision disabilities) (see the Limited English Proficiency Services and Communications with Persons with Disabilities policies) (28 CFR 115.116).

1. The Department shall not rely on other individuals in custody for assistance except in limited circumstances where an extended delay in obtaining an appropriate interpreter could compromise the individual's safety, the performance of first-response duties under this policy, or the investigation of an individual's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department website:

1. Information on how to report sexual abuse and sexual harassment on behalf of an individual in custody (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under the direct control of this department (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all department facilities used to house individuals in custody overnight (28 CFR 115.193).

(k) Ensuring those who work in department facilities where individuals are held in custody are informed of the department zero-tolerance policy regarding sexual abuse and sexual harassment of individuals in custody (28 CFR 115.132).

902.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Individuals in custody may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other individuals in custody or department members for reporting sexual abuse or sexual harassment
- Department member neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

Individuals in custody shall be notified of the department zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward a report of sexual abuse or sexual harassment to department supervisors and command staff. This allows the individual to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

902.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from individuals in custody and third parties, and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Patrol Supervisor any knowledge, suspicion or information regarding:

(a) An incident of sexual abuse or sexual harassment.

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(b) Retaliation against the individual or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

902.4.2 PATROL SUPERVISOR RESPONSIBILITIES

The Patrol Supervisor shall report to Minot Police Department designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a dependent adult, the Patrol Supervisor shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that an individual in custody was sexually abused while confined at another facility, the Patrol Supervisor shall notify the head of that facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Patrol Supervisor shall document such notification (28 CFR 115.163).

If an alleged victim is transferred from the Department to a jail, prison or medical facility, the Patrol Supervisor shall, as permitted by law, inform the receiving facility of the incident and the individual's potential need for medical or social services, unless the individual requests otherwise (28 CFR 115.165).

902.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

902.5.1 FIRST RESPONDER RESPONSIBILITIES

The responsibilities of the first officer to respond to a report of sexual abuse or sexual assault shall include, but not be limited to (28 CFR 115.164):

(a) Separating the parties.

(b) Establishing a crime scene to preserve and protect any evidence.

(c) Identifying and securing witnesses until steps can be taken to collect any evidence.

(d) Requesting that the alleged victim and suspect not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating if the abuse occurred within a time period that still allows for the collection of physical evidence.

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If the first responder is not an officer, he/she shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify an officer (28 CFR 115.164).

902.5.2 INVESTIGATOR RESPONSIBILITIES

The responsibilities of investigators shall include, but not be limited to (28 CFR 115.171):

(a) Gathering and preserving direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interviewing alleged victims, suspects and witnesses.

(c) Reviewing any prior complaints and reports of sexual abuse involving the suspect.

(d) Conducting compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assessing the credibility of the alleged victim, suspect or witness on an individual basis and not by the person’s status as an individual in custody or a member of the Minot Police Department.

(f) Documenting in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Referring allegations of conduct that may be criminal to the City Attorney or State's Attorney for possible prosecution, including any time there is probable cause to believe an individual in custody sexually abused another individual in custody at the department facility (28 CFR 115.178).

(h) Cooperating with outside investigators and remaining informed about the progress of any outside investigation.

902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether department member actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No individual in custody who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

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902.5.5 CONCLUSIONS AND FINDINGS
All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All department members shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor who engages in sexual abuse shall be prohibited from contact with individuals in custody and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with individuals in custody by a contractor.

902.6 RETALIATION PROHIBITED

All individuals in custody and department members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other person who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that person.

The Patrol Supervisor or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for individuals in custody or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

A member of the Department shall be identified by the Patrol Supervisor or the authorized designee to monitor the conduct and treatment of individuals in custody or members who have reported sexual abuse, and of those who were reported to have suffered sexual abuse. The member shall act promptly to remedy any such retaliation. In the case of individuals in custody, such monitoring shall also include periodic safety checks.

902.7 REVIEWS AND AUDITS

902.7.1 INCIDENT REVIEWS
An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include command staff and seek input from supervisors and investigators (28 CFR 115.186).

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The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the department facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by department members.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

902.7.2 DATA REVIEWS

The PREA Coordinator shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year’s data and corrective actions with those from prior years.

(e) An assessment of the progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the facility. However, the nature of the redacted material shall be indicated.

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Prison Rape Elimination

All aggregated sexual abuse data from department facilities and private facilities with which it contracts shall be made readily available to the public at least annually. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

902.8 RECORDS

The Minot Police Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is in custody or is a member of the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

902.9 TRAINING

All department members and contractors who may have contact with individuals in custody shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within the department facility. The Administrative Captain shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

(a) The department zero-tolerance policy and the right of individuals in custody to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.

(b) The dynamics of sexual abuse and harassment in confinement settings, including which individuals in custody are most vulnerable.

(c) The right of individuals in custody and department members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.

(d) Detecting and responding to signs of threatened and actual abuse.

(e) Communicating effectively and professionally with all individuals in custody.

(f) Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

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Prison Rape Elimination

The Administrative Captain shall maintain documentation that department members, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current department members who may have contact with individuals in custody shall be trained within one year of the effective date of the PREA standards. The Department shall provide annual refresher information to all such members to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Chapter 10 - Personnel

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Anti-Retaliation

1000.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or employment agreement.

1000.2 POLICY

The Minot Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1000.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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Anti-Retaliation

1000.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resource Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1000.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1000.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1000.7 WHISTLE-BLOWING

North Dakota law protects employees who report job-related violations of law, rules, regulations, ordinances, or misuse of public resources in writing to the Chief of Police, State's Attorney, the attorney general, the state auditor, or an employee organization (N.D.C.C. § 34-11.1-04).

Members who believe they have been the subject of reprisal for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Office of Professional Standards for investigation pursuant to the Personnel Complaints Policy.

1000.8 RECORDS RETENTION AND RELEASE

The Chief of Police shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1000.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Reporting of Employee Convictions

1001.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Minot Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1001.2 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and North Dakota law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; N.D.C.C. § 62.1-02-01; N.D.A.C. § 109-02-01-03).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1001.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Any person who has pled guilty, nolo contendere, or is convicted of any felony, or is prohibited from using or possessing any firearm under state or federal law is prohibited from being a peace officer (N.D.C.C. § 62.1-02-01; N.D.A.C. § 109-02-01-03).

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1001.4 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Patrol Supervisor or the Chief of Police) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending, or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Patrol Supervisor or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable POST-issued license.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined.

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This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1001.5 POLICY

The Minot Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

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Drug- and Alcohol-Free Workplace

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1002.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1002.3 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1002.4 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy (N.D.C.C. § 44-04-18.1).

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Communicable Diseases

1003.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1003.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Minot Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1003.2 POLICY

The Minot Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1003.3 EXPOSURE CONTROL OFFICER

The Chief of Policehas assigned the Administrative Lieutenant as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Ensuring completion of the mandatory notification to the North Dakota Department of health of any known reportable diseases (N.D.C.C. § 23-07-02; N.D.C.C. § 23-07-02.3).

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2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

The ECO should periodically review and update the exposure control plan and review implementation of the plan.

1003.4 EXPOSURE PREVENTION AND MITIGATION

1003.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1003.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

1003.5 POST EXPOSURE

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1003.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1003.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

(a) Name of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Disease and Injury Reporting and Illness and Injury Prevention policies).

1003.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

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1003.5.4 COUNSELING
The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

1003.5.5 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Acquiring mandatory/court-ordered testing under N.D.C.C. § 23-07.5-02.

(c) The North Dakota Department of Health disclosing test results for an exposed person (N.D.C.C. § 23-07.5-06).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1003.6 CONFIDENTIALITY OF REPORTS
Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1003.7 TRAINING
All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

(a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training

(b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1004.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Minot Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1004.2 POLICY

The Minot Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy.

1004.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Minot Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles (N.D.C.C. § 23-12-11).

1004.4 ADDITIONAL PROHIBITIONS

No member shall smoke within 20 feet of entrances, exits, operable windows, air intakes and ventilation systems of any City facility, office, any other public place or place of employment (N.D.C.C. § 23-12-10).

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Personnel Complaints

1005.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Minot Police Department. 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.

1005.2 POLICY

The Minot Police Department takes seriously all complaints 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 and state laws,City of Minot ordinances and the City of Minot Employee Manual.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1005.3 PERSONNEL COMPLAINTS

Personnel complaints 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. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1005.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A relatively minor matter in which the supervisoris satisfied that appropriate action has been taken to address the matter.

Formal - A matter in which a supervisor determines that further action may be warranted. Such complaints are generally investigated by a supervisor of rank greater than the accused member.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the supervisor or the Chief of Police, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1005.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

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(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 their supervisor.

(c) Supervisors shall initiate a complaint 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 complaint.

1005.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1005.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1005.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. In cases of a formal complaint, the supervisor, upon contact with the complainant, shall complete and submit a complaint form to the Chief of Police..

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

1005.5 DOCUMENTATION

Supervisors shall ensure that allformal complaints are documented on a complaint form and forwarded to the Chief of Police. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All received complaint forms will be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. The log will be maintained by the Chief of Police or the authorized designee.

1005.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

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Personnel Complaints

1005.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or has any personal involvement regarding the alleged misconduct. The Chief of Police may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any complaint, a complaint form is completed.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

  (a) Follow-up contact with the complainant should be made within a reasonable time frame.

  (b) If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Professional Standards Lieutenant.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Patrol Supervisor and Chief of Police shall be notified as soon as practicable.

(e) Promptly contacting the Division Commander and Chief of Police for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Investigating a complaint as follows:

  (a) Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

  (b) When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(g) Ensuring that the procedural rights of the accused member are followed.

1005.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

The following applies to employees conducting administrative investigations:

(a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.

(b) Unless waived by the employee, interviews of an accused employee shall be at the Minot Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused employee.

(d) Prior to any interview, an employee should be informed of the nature of the investigation unless it would jeopardize the investigation.

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(e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.

(f) No employee should be threatened, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) Any employee 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.

  (a) An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement.

(h) The interviewer should record all interviews of employees and witnesses. The employee may also openly record the interview. A copy of that recorded interview should be provided to the employee prior to any subsequent interview upon request.

(i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual’s statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All employees shall provide complete and truthful responses to questions posed during interviews.

(k) No employee may be compelled to submit to a deception detection device examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1005.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of formal personnel complaints shall follow this 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.

Summary - 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 - 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.

Conclusion - A recommendation regarding further action or disposition may be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

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1005.6.4 DISPOSITIONS
Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but 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.

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.

1005.6.5 COMPLETION OF INVESTIGATIONS
Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation.

1005.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION
The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1005.6.7 COMPLAINT REGARDING THE USE OF A CONFIDENTIAL INFORMANT
The member conducting the investigation regarding the alleged misuse of a confidential informant in violation of N.D.C.C. § 29-29.5-01 et seq. shall comply with the investigation time frame and notification requirements of N.D.C.C. § 29-29.5-07.

1005.7 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. Lockers may also be searched in accordance with the locker room policy.

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.

1005.8 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 Chief of Police may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

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(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours 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.

1005.9 CRIMINAL INVESTIGATION

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency. A separate Administrative investigation may parallel a criminal investigation.

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 Minot 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 administrative investigation is conducted.

1005.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of PoliceThe Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1005.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon completion of any personnel investigation, the Division Commander of the involved member may review the entire investigative file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

1005.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of a completed investigation and any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and accompanying materials. The Chief of Police may modify any recommendation and/or may require further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with notice and the following:

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) The City of Minot Employee Manual disciplinary processes should be followed.

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Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline and make a final decision.

1005.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT
The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1005.11 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 Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline.

1005.12 RESIGNATIONS/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.

1005.13 POST-DISCIPLINE APPEAL RIGHTS

The City of Minot Employee Manual processes shall be followed.

1005.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and 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 out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual's performance is considered to be appropriate (see also the Temporary Modified-Duty Assignments Policy).

1005.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the City of Minot established records retention schedule..

1005.16 TERMINATION REPORTING

When an officer is terminated, notice of the nature and cause of the termination, the effective date of the termination, and a statement indicating whether or not the Department recommends denial, suspension or revocation of the officer’s peace officer license, shall be forwarded to the North Dakota Peace Officer Standards and Training Board within 30 days of the termination (N.D.A.C. § 109-02-02-18).

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Safety Belts

1006.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1006.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (N.D.C.C. § 39-21-41.2).

1006.2 POLICY

It is the policy of the Minot Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1006.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (N.D.C.C. § 39-21-41.4).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a safety belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1006.4 TRANSPORTING CHILDREN

Children younger than 8 years of age shall be transported using a child restraint system unless an exemption exists due to the child's height and weight (N.D.C.C. § 39-21-41.2).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of safety belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1006.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is

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not available, by safety belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1006.6 INOPERABLE SAFETY BELTS

Department vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

Department vehicle safety belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1006.7 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1006.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1007.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

1007.2 POLICY

It is the policy of the Minot Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1007.3 ISSUANCE OF BODY ARMOR

The Administration Division Commandershall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued when an officer begins service at the Minot Police Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1007.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear department-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.

(d) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1007.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation. Regular inspections of body armor should be conducted by the officer to which it is issued for fit, cleanliness and signs of damage, abuse and wear.

1007.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should be cared for and cleaned pursuant to the manufacturer’s care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor.

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If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1007.4 WEAPONS INSTRUCTOR RESPONSIBILITIES

The Administrative Division Commander should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to department-approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training to educate officers about the safety benefits of wearing body armor.

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Request for Change of Assignment

1008.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1008.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a letter of interest and forward the letter to the Chief of Police or his designee.

1008.2.1 PURPOSE OF FORM

The letter permits employees to list their qualifications for specific assignments. All relevant experience, education and training should be included when completing this letter.

All assignments in which an employee is interested should be listed in the letter.

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Commendations and Awards

1009.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Minot Police Department and individuals from the community.

1009.2 POLICY

It is the policy of the Minot Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1009.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1009.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1009.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

1009.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act

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2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

1009.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Division Commander for his/her review. The Division Commander should sign and forward the documentation to the Chief of Police for his/her review.

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Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Chief of Police. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1009.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Award of Valor.
- Award of Merit.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

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Fitness for Duty

1010.1 PURPOSE AND SCOPE

All employees performing public safety duties are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of their respective duties. The purpose of this policy is to ensure that employees remain fit for duty and able to perform their job functions.

1010.2 POLICY

It is the policy of the Minot Police Department to provide a work environment in which all employees performing public safety duties have the physical stamina and psychological stability free from physical, emotional or mental conditions that might adversely affect their ability to perform the essential functions of their positions, with or without reasonable accommodation.

1010.3 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of the position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1010.4 SUPERVISOR RESPONSIBILITIES

Each supervisor is responsible for monitoring those individuals in his/her command for any behavior that would warrant further inquiry. A supervisor observing an employee, or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(a) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem.

(b) In all cases, a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

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(d) In conjunction with the Patrol Supervisor or the employee's available Division Commander, a determination should be made whether the employee should be temporarily relieved from duty.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1010.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Human Resource Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the examination, evaluation and/or treatment.

(d) All reports and examinations submitted by the treating physician or therapist shall be part of the employee's medical file.

(e) Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline, up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1010.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day period (24 hours)
- 30 hours in any two-day period (48 hours)
- 84 hours in any seven-day period (168 hours)

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Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1010.7 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness-for-duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

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Meal Periods and Breaks

1011.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible, shall conform to the policy governing all City employees that has been established by the City Manager.

1011.1.1 MEAL PERIODS

Licensed employees and dispatchers shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from Minot Central Dispatch prior to taking a meal period. Uniformed officers shall take their breaks within the City limits and shall monitor their radios unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1011.1.2 15-MINUTE BREAKS

Each employee is entitled to a 15-minute break, near the midpoint, for each four-hour work period. Only one 15-minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call, and shall monitor their radios.

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Lactation Breaks

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1012.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207).

1012.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify Minot Central Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1012.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area (N.D.C.C. § 23-12-16).

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1012.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

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Payroll Records

1013.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1013.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

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Outside Employment

1014.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for department employees engaging in outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

Additional guidance, provisions, changes or additions may be contained in the employment agreement.

1014.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, products or benefits rendered.

Outside overtime - Overtime involving any member of this department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Department. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1014.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Members shall submit a written request for outside employment to the Chief, whose approval must be granted prior to engaging in such employment. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

If approved, the employee will be provided with a copy of the approved request within 30 days of submitting the request. Any employee seeking approval of outside employment whose request has been denied shall be provided with a written reason for the denial of the request at the time of the denial and within 30 days of submitting the request .

1014.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's request is denied or rescinded by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the City of Minot Employee Manual.

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1014.2.2 REVOCATION/SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION

Any approved outside employment request may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Additionally, revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

(a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The Chief of Police may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment request. After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been re-established to the minimum level of acceptable competency.

(b) If, at any time during the term of an approved outside employment request, an employee's conduct or outside employment conflicts with the provisions of department policy, or any law.

(c) The outside employment creates an actual or apparent conflict of interest with the Department or the City.

1014.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any request submitted by an employee seeking to engage in any activity that:

(a) Involves the employee's use of department time, facilities, equipment or supplies, the use of the department badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee's duties for this department below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

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Outside Employment

Officers may not be licensed or registered to provide private investigative or security services in North Dakota (N.D.A.C. § 93-02-01.1-07(2); N.D.A.C. § 93-02-02.1-07(2)).

1014.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking police services or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside police services will be monitored by a Division Commander.

(a) The applicant will be required to provide for the compensation of all employees requested for such outside services.

(b) If such a request is approved, any employee working outside police services shall be subject to the following conditions:

1. The officer shall wear the department uniform/identification.
2. The officer shall be subject to all the rules and regulations of this department.
3. No officer may engage in such outside police services during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
4. Compensation for such approved outside police services shall be according to the current outside employment rate.
5. No officer may engage in outside employment as a law enforcement officer for any other public agency without prior written authorization of the Chief of Police.

1014.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside assignment.

1014.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

1014.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

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1014.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists.

Failure of the employee to provide the requested personal financial records could result in denial of the outside employment request. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her outside employment requestmay be revoked pursuant to this policy.

1014.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of an approved request, the employee shall promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

1014.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Department employees who are engaged in outside employment who are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Chief of Police whether such outside employment should continue or the approved request be suspended or revoked.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify the supervisor of his/her intentions regarding the employment request, a notice of intent to revoke the employee's request will be forwarded to the involved employee and a copy attached to the original employment request. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending an approved outside employment request while on disability status or administrative leave includes, but is not limited to, the following:

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Outside Employment

(a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisers.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.

(c) The outside employment is not compatible with the reason the employee is on administrative leave.

(d) The employee failed to make timely notice of his/her intentions to their supervisor.

When the disabled employee returns to full duty with the Minot Police Department, a written request may be made to the Chief of Police to restore the permit.

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Personal Appearance Standards

1015.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1015.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1015.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male licensed officers, hair must not extend below the top edge of the uniform collar while assuming a normal stance. Male officers shall not wear their hair more than 1/2" over the top of the ear

For female licensed officers, hair must be not extend beyond the uniformed collar. Longer hair must be worn up in a tightly wrapped braid or ponytail that does not extend past the collar when standing erect.

1015.2.2 MOUSTACHES

Moustaches must be neat and trimmed, not extending over 1/2" beyond or below the corners of the mouth

1015.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1015.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or the authorized designee.

1015.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1015.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

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While the wearing of earrings is not encouraged, sworn female personnel may wear one pair of earrings that do not hang below the ear. Sworn male personnel are prohibited from wearing any earrings or ear dressing. Exception: Officers assigned to special assignments. Only one ring may be worn on each hand of the employee while on-duty.

1015.3 TATTOOS

Sworn personnel shall not display tattoos or brands on the head, face, neck, scalp, arms, hands or other visible areas unless approved by the Chief of Police. At no time while on-duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related or obscene language.

1015.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

(a) Tongue splitting or piercing

(b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation

(c) Abnormal shaping of the ears, eyes, nose or teeth

(d) Branding or scarification

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Uniform Regulations

1016.1 PURPOSE AND SCOPE

The Uniform Regulations policy of the Minot Police Department is established to ensure that uniformed officers, special assignment personnel and civilian employees will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following policies:

- Duty Firearms
- Department-Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The department's uniform and equipment specifications manual is maintained and periodically updated by the Chief of Police or the authorized designee. The manual should be consulted regarding authorized uniform and equipment specifications.

The Minot Police Department will provide uniforms for all employees who are required to wear them.

1016.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform in accordance with the Minot Police Department Uniform Manual. https://sharepoint.minotnd.org/PD/Shared%20Documents/Minot%20PD%20Uniform%20Manual.docx

1016.2.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department-issued identification card at all times while on-duty or when carrying a concealed weapon.

(a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their department-issued identification in a courteous manner to any person upon request and as soon as practicable.

(b) Officers working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their Division Commander.

1016.3 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHERAPPEARANCES IN UNIFORM

Minot Police Department members shall not engage in political activities while on-duty or in uniform (N.D.C.C. § 39-01-04; N.D.C.C. § 44-08-19).

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Uniform Regulations

Unless specifically authorized by the Chief of Police, Minot Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize the department's badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Minot Police Department to do any of the following:

(a) Endorse, support, oppose or contradict any social issue, cause or religion

(b) Endorse, support or oppose, any product, service, company or other commercial entity

(c) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, or on any website.

1016.4 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the department's uniform and equipment specifications manual as optional shall be purchased at the expense of the employee. No part of the purchase cost shall be offset by the Department.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

2. When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the replacement of damaged personal property outlined in the Department-Owned and Personal Property Policy.

1016.5 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Minot Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the department's uniform and equipment specifications manual or by the Chief of Police or the authorized designee.

Minot Police Department employees may not use or carry any tool or other piece of equipment unless specifically authorized in the department's uniform and equipment specifications manual or by the Chief of Police or the authorized designee.

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PUBLIC SAFETY CADETS

1017.1 PURPOSE AND SCOPE

Public Safety Cadets work under direct supervision of police personnel and perform a variety of routine and progressively advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1017.2 EDUCATION AND MEMBERSHIP REQUIREMENTS

Cadets are required to be enrolled in middle or high school and maintain a minimum grade point average of 2.0 ("C" grade) at all times. It is recommended high school graduate cadets be enrolled in some type of higher education learning program. Membership is open to both male and female students. Students must be age 14 through 21 years old. Students must complete a program application, be able to pass a local background investigation, complete department specific liability waiver forms and pass an oral interview. Students cannot be on active probation or parole or have any misdemeanor or felony charges or convictions. All students are required to pay annual PSC membership fees.

1017.3 PROGRAM COORDINATOR

The Community Outreach Unit supervisor will serve as the program coordinator. The program coordinator will work in conjunction with the Lead Mentor to monitor the training provided for all cadets and review all decisions affecting job assignments,status for compensation, school attendance and performance evaluations given to them by the mentors.

1017.3.1 PROGRAM MENTORS

The Public Safety Cadet Lead Mentor may select individual sworn and non-sworn department personnel to serve as mentors for the Public Safety Cadet Program. The mentors will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. These mentors will be responsible for tracking the educational and job performance of the cadets as well as making their individual assignments throughout the department. Cadets will bring special requests, concerns and suggestions to their program mentor for advice. Program mentors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the program coordinator.

1017.4 ORIENTATION AND TRAINING

Newly appointed cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Public Safety Cadets Operations manual. Training sessions will be scheduled bi-monthly throughout the year as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the selection process, as well as the academy training. All training will focus on learning leadership skills, and improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

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PUBLIC SAFETY CADETS

1017.5 CADET UNIFORMS AND DUTY GEAR

Each cadet will be provided appropriate uniforms and duty gear meeting the specifications described in sections eight and nine of the Public Safety Cadet Operations manual.

1017.6 ROTATION OF ASSIGNMENTS

Rotating cadet leadership positions should occur on a yearly basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual cadet considerations, with the final decision resting with the program mentors.

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility, including training other cadets for new assignments.

1017.7 RIDE-ALONG PROCEDURES

All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their the lead mentor and the appropriate Patrol Supervisor. Applicable waivers must be signed in advance of the ride-along and will be retained in the individual cadet's file. Cadets shall wear their designated Class B uniform while participating in a ride-along, however duty gear will not be worn during the ride-along.

1017.8 PERFORMANCE EVALUATIONS

Performance evaluations for all cadets shall be completed during their membership with the program. Upon successful completion of a 3 month probationary period, cadets and senior cadets will be evaluated on attendance, community service activities, uniform wear, attitude, and leadership in their current position and their potential as police officers.

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Department Badges

1018.1 PURPOSE AND SCOPE

The Minot Police Department badge and uniform patch as well as the likeness of these items and the name of the Minot Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1018.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority. The use and display of department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1018.2.1 FLAT BADGE

Licensed officers, with the written approval of the Chief of Police or the authorized designee, may purchase at their own expense a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of department policy as the uniform badge.

(a) An officer may sell, exchange or transfer the flat badge he/she purchased to another officer within the Minot Police Department with the written approval of the Chief of Police or the authorized designee.

(b) Should the flat badge become lost, damaged or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department-Owned and Personal Property Policy.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for civilian personnel.

1018.2.2 CIVILIAN PERSONNEL

Badges and Department Identification Cards issued to civilian personnel shall be clearly marked to reflect the position of the assigned employee (e.g., parking control, dispatcher).

(a) Civilian personnel shall not display any department badge except as a part of his/her uniform while on-duty or otherwise acting in an official and authorized capacity.

(b) Civilian personnel shall not display any department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a licensed peace officer.

1018.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

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Department Badges

1018.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all licensed employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and department name for all material (e.g., printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police or the authorized designee.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1018.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the express authorization of the Chief of Police or the authorized designee and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business, provided it is used in a clear representation of the association and not the Minot Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the express approval of the Chief of Police or the authorized designee.

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Modified-Duty Assignments

1019.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, or City rules. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1019.2 POLICY

Subject to operational considerations, the Minot Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1019.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the North Dakota Human Rights Act (N.D.C.C. § 14-02.4) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Minot Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1019.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

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(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Human Resource Department or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Patrol Supervisor or Division Commander, with notice to the Chief of Police.

1019.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1019.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1019.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

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(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1019.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1019.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1019.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1019.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1019.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Employee Speech, Expression and Social Networking

1020.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1020.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or public speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file sharing sites.

1020.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Minot Police Department will carefully balance the individual employee's rights against the department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1020.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Minot Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety or privacy of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

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1020.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following is prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Minot Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Minot Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Minot Police Department or its employees.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Minot Police Department.

(f) Use or disclosure, through whatever means of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Minot Police Department on any personal or social networking or other website or web page, without the express written permission of the Chief of Police.

(h) Accessing websites for non-unauthorized purposes, or use of any Personal Communications Device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours).

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2. During authorized breaks such usage should be limited as much as practicable to areas out of the sight of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1020.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens, employees may not represent the Minot Police Department or identify themselves in any way that could be reasonably perceived as representing the Minot Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(a) Endorse, support, oppose or contradict any political campaign or initiative (N.D.C.C. § 44-08-19)

(b) Endorse, support, or oppose any product, service, company or other commercial entity.

(c) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through some unofficial group or organization is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Minot Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1020.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1020.6 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

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Locker Rooms

1021.1 PURPOSE AND SCOPE

Maintaining secure and private locker rooms is an important obligation for the Department to ensure each employee's rights and privacy are maintained.

1021.2 SECURITY

At no time will a person of the opposite sex be allowed into the locker room unless the locker room is empty of employees of the opposite sex. Entry of the opposite sex should be restricted to locker room or building maintenance or the gathering of property.

Employees who seek to talk to, interrogate or interview anyone inside the locker room should generally wait until after the employee has taken care of personal affairs and has exited. Situations requiring an immediate conversation regarding the safety or security of another employee, person or citizen, will require the employee to exit the locker room as soon as possible.

In critical or emergency situations where time is of the essence, an employee of the same sex may enter the locker room to obtain information from the employee.

1021.3 PRIVACY

At no time will video recording devices be used. Audio recording devices may be used only with the written permission of the Chief of Police. Situations allowing the audio recording of conversations in the locker room are generally limited to internal investigations of employee misconduct.

At no time will an employee capture, record or transfer video or audio recordings, either openly or in secret, of another employee by any means, including, but not limited to, the use of cameras, computers, Personal Digital Assistants (PDAs), tape or digital recorders, video cameras or cellular telephones.

Assigned lockers, storage spaces and other areas may be searched as part of an administrative investigation upon reasonable suspicion of misconduct. Lockers 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.

There is no expectation of privacy by employees in any locker, storage space, and other areas including desks, offices and vehicles.

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Line-of-Duty Deaths

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Minot Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1022.2 POLICY

It is the policy of the Minot Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1022.3 INITIAL ACTIONS BY COMMAND STAFF

Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Patrol Supervisor and Minot Central Dispatch.

(a) Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(a) The Patrol Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(b) If the member has been transported to the hospital, the Patrol Supervisor or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(c) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve

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the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1022.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Patrol Supervisor or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

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(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Minot Police Department members may be apprised that survivor notifications are complete.

1022.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1022.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1022.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

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(a) Department Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Critical Incident Stress Management (CISM) coordinator.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1022.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-mast.

(g) Ensuring that department members are reminded of appropriate information–sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

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1022.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Minot Police Department members (except for members who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the member before information is released to others.

(d) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) If applicable, explain to the survivors why an autopsy may be needed.

(g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1022.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The

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deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.

- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

(h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.

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(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1022.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of responsibilities until they can receive CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1022.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

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(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including, but not limited to the following:

1. Honor Guard
    (a) Casket watch
    (b) Color guard
    (c) Pallbearers
    (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1022.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Minot Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform the coordinator's duties in accordance with the Outside Agency Assistance Policy.

1022.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Work-Related Disease and Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:

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1. Public Safety Officers' Benefits (PSOB) Program.
2. Public Safety Officers' Educational Assistance (PSOEA) Program.
3. Social Security Administration.
4. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Surviving spouse pension benefits (N.D.C.C. § 54-52-02 et seq.; N.D.C.C. § 40-45-13)
2. Death benefits (N.D.C.C. § 65-05-16)
3. Educational benefits (N.D.C.C. § 15-10-18.5)
4. Health insurance benefits (N.D.C.C. § 54-52.1-03.5)

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1022.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.

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4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

1022.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).

2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1022.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.

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- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1022.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1022.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1022.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

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Time Management Guidelines

1023.1 TIME MANAGEMENT GUIDELINES

This is a link to the Time Management Guidelines document which provide consistent interpretation of various time management issues.

https://sharepoint.minotnd.org/PD/Shared%20Documents/PD%20Policy%20and%20Directives/Time%20Management%20Guidelines.pdf

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Attachments

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Sexual Assault Investigations Policy.pdf

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SEXUAL ASSAULT INVESTIGATIONS

606.1 PURPOSE AND SCOPE

(a) Establish guidelines for an effective law enforcement response to reports of sexual assault.

(b) Reduce the incidence of and improve the response to sexual assault in local communities by setting forth best practices which encourage a consistent and effective law enforcement response by:

1. Acknowledging and validating the experience of victims of sexual assault.

2. Investigating effectively to build strong cases against sexual assault suspects.

3. Supporting and empowering victims of sexual assault through effective collaborations.

4. Documenting sexual assault allegations thoroughly and accurately to assure effective prosecution and the successful delivery of services.

606.2 DEFINITIONS

(a) "Coercion" means to exploit fear or anxiety through intimidation, compulsion, domination, or control with the intent to compel conduct or compliance. N.D.C.C. § 12.1-20-02

(b) "Domestic violence / sexual assault organization" means "a private, nonprofit organization whose primary purpose is to provide emergency housing, twenty-four hour crisis lines, advocacy, supportive peer counseling, community education, and referral services for victims of domestic violence and sexual assault." N.D.C.C. § 14-07.1-01 (3)

(c) "Law enforcement officer" means "a public servant authorized by law or by a government agency to enforce the law and to conduct or engage in investigation of violations of law." N.D.C.C. § 14-07.1-01(6)

(d) "Object" means anything used in commission of a sexual act other than the person of the actor. N.D.C.C. § 12.1-20-02

(e) "Probable cause" to justify an arrest means facts and circumstances within the officer's knowledge that are sufficient to warrant a prudent person, or one of reasonable caution, in believing in the circumstances shown, that the suspect has committed, is committing, or is about to commit (in the case of a threat) a crime. Probable cause is frequently referred to in cases and statutes as "reasonable grounds." (Black's Law Dictionary, 2000)

(f) "Sexual act" means sexual contact between human beings consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any other portion of the human body and the penis, anus, or vulva; or the use of an object which comes in contact with the victim's anus, vulva, or penis. Sexual contact

between the penis and the vulva, the penis and the anus, any other portion of the human body and the anus or vulva, or an object and the anus, vulva, or penis of the victim, occurs upon penetration, however slight. Emission is not required. N.D.C.C. § 12.1-20-02

(g) "Sexual contact" means any touching, whether or not through the clothing or other covering, of the sexual or other intimate parts of the person, or the penile ejaculation or ejaculate or emission of urine or feces upon any part of the person, for the purpose of arousing or satisfying sexual or aggressive desires. N.D.C.C. § 12.1-20-02

(h) "State" means "a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders." N.D.C.C. § 14-07.4-01 (7)

(i) "Victim" means "a natural person who has suffered direct or threatened physical or emotional harm where there is probable cause to believe that the harm has been caused by the commission of a criminal act. The term "victim" includes the family members of a minor, incompetent, incapacitated, or deceased person." N.D.C.C. § 12.1-34-01(8)

606.3 DISPATCH/ CALL TAKER RESPONSE

Evidence Preservation Considerations

Direct the victim to preserve evidence by refraining from engaging in any of the activities listed below:

1. Changing clothes

2. Washing, brushing teeth, rinsing mouth

3. Consuming any food, beverage or smoking

4. Combing hair

5. Touching, destroying, or, moving any items at the crime scene

6. Urinating or defecating: advise the use of a clean plastic container to collect urine should the victim have to urinate

Additional Procedures

1. Demonstrate patience and respect at all times with the victim reporting a crime of sexual assault. The victim may be in crisis and may exhibit behaviors ranging from rage, outbursts, and crying to calmness, unresponsiveness, or laughter.

2. Determine victim's relationship to the suspect and whether a restraining order is in place.

3. Whenever possible, stay on the line with the victim to provide additional information and assistance until an officer arrives at the scene.

4. For 911 or other emergency hang-up calls, the dispatcher will immediately attempt to reestablish contact with the caller. Field units will still respond.

5. Record and preserve a tape of the conversation and print out a transcript, if possible, for the investigation.

6. Utilize a current list of domestic violence/sexual assault programs, shelters, and victim/witness programs to assist in making referrals.

606.4 LAW ENFORCEMENT RESPONSE

Immediate Response

Law enforcement's initial contact with victims of sexual assault can greatly influence the entire investigative process. Therefore, contact with victims should be guided by professional, respectful, and courteous behavior at all times. Law enforcement initially responding to a report of sexual assault shall:

1. Respond immediately to the crime scene or location of the victim.

    a. If responding to the scene, the officer shall:

        • Assess the crime scene

        • Arrange transportation to the hospital if needed

        • Inform victim of rights and reporting options

        • Advise victim on preserving evidence

    b. If responding to a hospital, the officer shall:

        • Initiate contact with medical staff for information

        • Determine if an advocate has been called.

        • If advocate is not available, review victim rights and reporting options

2. Secure the scene to ensure the offender is not present or if present poses no additional risk to the victim.

3. Keep the victim safe and address any safety issues.

4. Administer first aid, if necessary.

5. Request medical support, if necessary.

6. Establish trust and rapport by demonstrating understanding, patience, and respect for the victim's dignity, including:

a. Limiting preliminary questions

b. Explaining each person's role c. Contacting other officers or agencies for assistance

7. Remain aware that the sexual assault may have been committed by a family member, caretaker, neighbor or friend who may be present at the scene.

8. Conduct initial investigation of the crime that has been committed:

a. Obtain names of witnesses and contact information.

b. When possible, obtain statements from witnesses that were present.

c. Identify where the incident occurred, specifically to establish jurisdiction.

d. Determine whether drugs or alcohol were utilized to facilitate the sexual assault without the victim's knowledge in order to identify the need for additional evidence collection.

e. Determine the relationship between the victim and suspect, and whether a valid protection order is in force.

9. Be aware that a victim may make excited utterances which may have evidentiary value.

a. Record these utterances when practical and note them in your report.

Delayed Investigation Response

It is not uncommon for delayed reports (any report after the 96 hour evidence collection limitation) to occur regarding sexual assaults. In a delayed investigation, law enforcement shall:

1. Obtain a victim statement.

2. Identify witnesses present prior to and after the assault occurred and obtain contact information for them.

3. Contact witnesses and interview each of them regarding the reported assault.

4. Identify all possible evidence that may exist. This may include:

a. Any text messages discussing the incident

b. Electronic postings regarding the incident on sites such as Facebook or Twitter

c. Any physical evidence related to the assault: clothing, bedding, condoms, etc.

d. Any photographs that may have been taken prior to or after the assault occurred

606.5 VICTIM INTERVIEW PREPARATION

1. Prior to conducting an interview with the victim, law enforcement should contact the local sexual assault/domestic violence program.

2. Obtain an interpreter if needed. Be mindful of the victim's needs during the interview process (i.e. if the victim needs to take a break or would like a support person present-when appropriate).

3. While documenting basic information, obtain the victim's name, date of birth and contact information. Ensure the victim wants to make a report, and understands what that involves.

4. Explain the process of the interview: who is involved and their roles. Ensure the victim is okay with everyone in the room.

5. Ensure safety and privacy by interviewing the victim in a place separate from the suspect.

a. If responding to the scene, suggest finding somewhere private to speak; this may include going to the police department or hospital. Allow the victim to make that determination whenever possible.

b. If responding to a hospital, ensure privacy by requesting an examination room or conference room rather than remaining in a trauma area waiting room.

c. If the victim presents to the law enforcement department, use an interview or conference room to ensure comfort and privacy.

6. Maintain an appropriate demeanor by:

a. Listening, showing interest in the victim and the situation, maintaining objectivity, and remain aware of nonverbal communication signals.

b. Maintaining good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility).

c. Demonstrating interest and encouraging the victim to continue speaking (appropriate facial and head movements with a relaxed stance).

7. Lead the interview; however, let the victim speak uninterrupted.

606.6 CONDUCTING THE VICTIM INTERVIEW

1. Ascertain victim's relationship to the suspect.

2. Determine what happened. It may be most effective to have the victim begin with the events prior to the sexual assault, noting the victim's condition and demeanor. Obtain the following information:

a. A description of injuries, if any, to the victim.

b. Identify any injuries, if any, to the suspect specifically any injuries inflicted by the victim.

c. Inquire how the incident began.

d. Identify the location of where the assault occurred.

e. Determine if there was any weapon involved.

f. Obtain as much information related to the suspect as possible, if known; where he/she lives and/or works, vehicles used, areas frequented.

g. Inquire if anything was taken from the scene or left at the scene by the victim or suspect.

3. Identify any witnesses, their contact information, and how they were involved.

4. After the victim has provided his/her statements, the officer(s) should ask about details for clarification, and summarize the stated account; this allows the victim to point out anything that might be misrepresented and ensures accuracy.

5. Photograph and document photographs in the report.

(a) Photographs of extremely brutal injuries or bite marks can prove beneficial in court. Because some injuries become apparent only after several days, it is recommended that follow-up photographs be taken as there is always the possibility initial photographs will not show the extent or the severity of the injury.

6. Answer any other questions the victim may have after the interview.

7. Address the victim's safety, such as whether the suspect knows where the victim lives, and any transportation issues.

8. Upon completion of the interview, ensure the victim has law enforcement's contact information.

9. Obtain the phone number of the victim's residence and include that number in the incident report so jail/court/victim-witness personnel may use this information to inform the victim of the suspect's release on bail. It is also important to obtain alternative contact information, (i.e. additional phone numbers, etc.) where messages can be left when necessary. If possible, record name, address, and phone number of two close friends or relatives of the victim who will know how to reach the victim 6-12 months from the time of the investigation.

10. Inform the victim of what will occur following the preliminary interview, including:

a. Provide the victim with contact for a follow-up interview with law enforcement.

b. Describe how law enforcement may proceed following the interview.

c. If advocate was not present during the interview, provide the victim with contact information for the local domestic violence/sexual assault advocacy program.

11. Also, pretext phone calls often produce valuable information. The victim's emotional and physical state should be considered before initiating such a call. A victim advocate is a source of

valuable support. Pretext phone calls can be utilized with other witnesses as well.

606.7 SUSPECT INTERVIEW

1. If possible, the officer should tape record the suspect's statement for evidentiary purposes.

2. Determine the suspect's relationship to the victim (stranger vs. non-stranger) and what happened. Determining the relationship is significant especially when discussing the victim's safety as well as during the interview and evidence collection.

3. Prior to the interview ascertain suspect's criminal history and any previous contact with law enforcement.

4. Determine what happened. It may be most effective to have the suspect begin with the events prior to the sexual assault, noting the suspect's condition and demeanor in the report.

5. Document any injuries to the suspect, who or what caused them, and if weapons or objects were used to commit the reported assault.

6. Photograph and document in report:

    a. Any damaged or torn clothing on the suspect (keeping in mind the suspect may have change clothing).

    b. Any smeared or transferred makeup on either clothing or the suspect.

    c. All evidence of injury, including any physical complaints the suspect may have.

    d. The presence of any use of alcohol and/or drugs by the suspect.

7. Make every attempt to obtain a suspect statement.

606.8 EVIDENCE COLLECTION

Law enforcement within the jurisdiction in which the offense was believed to have occurred is responsible for coordinating the collection of the Sexual Assault Evidence Collection Kit from the healthcare facility at which the examination was conducted. In order to ensure effective evidence collection, the officer should:

1. Once the victim has consented to the examination, ensure the following information is communicated:

    a. He/she has the right to decline any or all parts of the examination.

    b. The victim's name and date of birth will be on the evidence collection kit for storage purposes.

    c. The sexual assault kit will be stored for seven years or until the victim turns 22, whichever comes later.

d. The examination will occur within the 96 hours following the assault (unless reason to extend the time period is given). N.D.C.C. § 12.1-34-07 If the victim does not consent to the examination, encourage the victim to obtain medical attention to address sexually transmitted infections and pregnancy testing.

2. Work with other professionals (SANE, advocate, physician) to explain the forensic examination process; this includes explaining what is done and what may be collected, such as clothing.

3. Recognize drug-facilitated sexual assault considerations. NOTE: Inform the victim he/she will not be criminally charged if drugs or alcohol are identified in the urine and/or blood sample; however, the results may be presented in court proceedings, N.D.C.C. § 12.1-34-07(4).

606.8.1 ON-SCENE EVIDENCE COLLECTION

1. Secure the crime scene (if not already done).

2. Maintain chain of custody and properly collect evidence.

a. All evidence collected should be dried, clearly marked, properly packaged and labeled.

b. Refrigerate the evidence as soon as possible.

c. When packaging, use individual envelopes for each item collected.

d. Use new paper bags or envelopes rather than plastic bags to collect evidence.

3. Collect physical evidence such as:

a. Any clothing worn by the victim and suspect at the time of the assault-specifically undergarments, pants, and shorts (unless collected by medical personnel).

b. Other physical evidence that may corroborate the victim's account of the incident (i.e. condom wrappers, sheets, blankets, bottles, etc.).

c. Any damaged or torn clothing worn by the victim or the suspect.

d. Any smeared or transferred makeup on either the victim or the suspect or their clothing.

e. Document all evidence of injury including any physical complaints the suspect may have.

606.8.2 VICTIM FORENSIC EVIDENCE COLLECTION

1. Prior to the examination if a SANE is unavailable, document and photograph the victim's external visible injuries (if any).

a. Expose as little as possible using sheets or other covers.

b. Ensure all of the needed photographs are obtained.

c. Arrange to take additional photographs after the assault as more bruises may appear or become more visible.

d. Medical personnel and law enforcement should use an anatomical diagram to document the injuries on the victim as the primary crime scene.

2. Follow proper kit storage requirements.

a. Refrigerate the sexual assault kit as soon as possible.

b. If urine sample is included with the sexual assault kit, freeze sample immediately; it is not necessary to freeze the entire kit, only the urine sample.

c. Transport sexual assault kit to the North Dakota Crime Laboratory Division if DNA evidence is necessary and the victim has consented to the investigation.

3. If not providing the sexual assault kit to ND Crime Laboratory Division for analysis (when a victim chooses not to report) proceed as follows:

a. The law enforcement agency in custody of the collected evidence is responsible for maintaining the chain of custody of that evidence.

b. The victim's name and date of birth are required for collection and storage of the kit.

c. Sexual Assault Evidence Collection Kits and other evidence collected for victims who do not currently elect to proceed with an investigation should be maintained in the same manner as other evidence collection kits and evidence.

606.8.3 SUSPECT FORENSIC EVIDENCE COLLECTION

A sexual assault evidence collection kit can be utilized to collect the evidence on the suspect. Law enforcement should remain present during the evidence collection procedures.

It is essential everything possible is done to prevent any contact between the victim and suspect.

Although not always possible, this may include examinations taking place at different times and/or locations, ensuring the victim has left the site of the examination prior to the suspect's arrival.

1. If in custody, the suspect shall be given a Miranda warning before being asked medical history questions by the forensic examiner or investigator.

2. Both the examiner and attending officer shall be prepared to document any spontaneous statements made by the suspect regardless of whether or not the suspect is in custody and whether or not the suspect was provided with a Miranda warning.

606.9 PROCEDURES FOR SUSPECT EXAMINATION

1. Immediately after the suspect interview, the investigating officer shall determine whether a

forensic sexual assault examination should be obtained for the suspect. Consider the following when making this determination:

a. What is the length of time since the assault occurred?

b. What was the nature of the assault?

c. Does the victim believe he/she may have injured the suspect?

d. Has the suspect showered?

e. Is the suspect wearing the same clothing he/she was wearing during or immediately after the assault?

2. A search warrant may be needed to collect any evidence from the body of the suspect or even to collect clothing. If the suspect consents to such evidence collection procedures, complete and obtain the suspect's signature on a consent form.

606.10 FOLLOW UP VICTIM INTERVIEW

The purpose of the follow-up interview is to address any inconsistencies and clarify any confusion and to gather any further information. Law enforcement officers shall:

1. Conduct the interview in a location that is convenient, accessible and comfortable for the victim. This may include arranging for transportation and contacting the local advocacy agency to be present for the interview.

a. Discuss the purpose of the interview with the victim.

b. Review the victim's contact information.

c. Address arrest decisions made and explain the status of the case with the victim.

d. Identify any new information or developments and ask questions specifically related to how the sexual assault has impacted the victim.

e. Identify any need for follow-up photographs of injuries.

NOTE: Depending upon the location of the injuries, it may be necessary to enlist in medical personnel to assist in obtaining follow-up photographs.

2. Compile and review information already collected including:

a. Talk to the responding officer(s) regarding the preliminary investigation.

b. Review the first responder documentation: How was the call received? Where did the officer respond?

c. Review the first interview with the victim and identify any holes, gaps or questions.

d. Review the history of questions asked related to the incident

e. Identify whether there were any additional witnesses and their contact information.

f. Clarify any inconsistencies with earlier accounts in a nonthreatening manner.

3. Ensure the following issues were addressed in the initial interview including:

a. Obtain specific circumstances of the assault, such as how it happened.

b. Review and clarify the details of the assault.

c. Review the details provided by the suspect prior to meeting with the victim to identify discrepancies that may need to be addressed.

4. Discuss any safety concerns the victim may have. Work with local domestic violence/sexual assault advocacy programs to assist in addressing the victim's concerns and any questions they may have about obtaining a court order due to safety concerns. Utilize pretext phone calls (one-party consent in ND: N.D.C.C. § 12.1-15-02). These are valuable in non-stranger sexual assault cases. Involve the victim as an investigative tool as appropriate.

606.11 FOLLOW UP SUSPECT INTERVIEW

Based on the nature of the assault, develop an investigative and interview strategy. This may require considering the potential defenses available to the suspect (for example: denial, mistaken identity or consent). This strategy will guide the questions and any additional evidence collection that may be needed. This interview may:

1. Re-photograph injuries on the suspect to document changes in visible injuries from the previous interview.

2. Compile and review information already collected including:

a. Talk to the responding officer(s) regarding the preliminary investigation.

b. Review the first interview with the suspect and identify any holes, gaps or questions.

c. Review history of questions asked related to the incident

3. Obtain any clarifying information from the suspect, including addressing inconsistencies that may have come up during other interviews and throughout the investigation.

4. Gather any additional information and/or details from the suspect regarding the assault.

a. Obtain specific circumstances of the assault, such as how it happened.

b. Review and clarify the details of the assault:

5. Identify whether there were any additional witnesses and their contact information.

606.12 ARREST AND PROSECUTION CONSIDERATIONS

1. Law enforcement and prosecution are encouraged to communicate throughout the investigation and prosecution of a case. Decisions regarding prosecution should be communicated to law enforcement.

2. Some considerations in arrest and prosecution decisions might include:

a. The victim's safety and rights.

b. Requests made by the victim regarding the incident.

c. Any existing evidence related to the incident.

3. During this time prosecution may enlist in assistance from the victim witness program and/or local domestic violence/sexual assault advocacy program. These programs may aid with informing the victim of decisions made regarding arrest and/or prosecution.

606.13 DOCUMENTATION AND GUIDELINES IN NON_REPORTED CASES

In the event a victim seeks an examination but does not wish to make a report at that time documentation should occur as follows:

1 The local law enforcement agency within the jurisdiction in which the offense was believed to have occurred is responsible for coordinating the collection of the Sexual Assault Evidence Collection Kit from the healthcare facility. The victim's name and date of birth shall be required for collection of the kit.

2 Sexual Assault Evidence Collection Kits and other evidence collected for victims who do not currently elect to proceed with an investigation should be maintained in the same manner as other Evidence Collection Kits and evidence.

3 Sexual assault evidence collected from non-investigated cases should be kept by law enforcement for a minimum of seven years or until the victim turns twenty-two, whichever occurs later.

MPD Drug and Alcohol Testing program.pdf

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Minot Police Department

Drug and Alcohol-Free Workplace

Guidelines and Procedures for Drug and Alcohol testing program

December 5th, 2019

Minot Police Department

Drug and Alcohol-Free Workplace

Guidelines and Procedures for Drug and Alcohol testing program

1. A policy statement is contained in the Minot Police Department Policy Manual - Drug and Alcohol-Free Workplace policy and the City of Minot Employee Manual.

2. Purpose:

   The purpose of this policy and testing program is to assure fitness for duty and to protect our employees and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. This testing program is also intended to comply with applicable Federal regulations governing workplace anti-drug and alcohol programs.

   The employee assistance program is available to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resource Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

3. Covered Employees:

   All Minot Police Department employees are included for safety and security reasons.

4. Prohibited Substances:

   a. Urine or hair samples shall be tested for evidence of the following prohibited substances:

   Marijuana metabolites (including "medical" marijuana)
   Cocaine metabolites
   Opiate metabolites
   Amphetamine including the Methamphetamine drug MDMA aka Ecstasy
   Phencyclidine

   Any illegal drug or any substance identified in Schedules 1 through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR Consumption of these products is prohibited at all times.

   b. Legal prescription drugs (use and misuse):

   Employees should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any employee who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status. No employee shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician. The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited.

   WORK RESTRICTIONS

   If an employee informs a supervisor that he/she has consumed any alcohol, drug or medication which could interfere with a safe and efficient job performance, the employee may be required to obtain clearance from his/her physician before continuing to work.

   See also the Reasonable Suspicion Testing under Section 6 of this document.

If a supervisor reasonably believes, based upon objective facts, that an employee's ability to perform his/her duties safely and efficiently may be impaired by the consumption of alcohol or other drugs, the supervisor may ask the employee whether he/she has consumed any alcohol or other drugs and, if so, the amount and type of alcohol or other drugs consumed and the time of consumption, and in the case of a controlled substance, the name of the person who prescribed the substance.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall ensure that he/she is safely transported away from the Department following any testing procedures. No employee shall be allowed to continue working if the odor of alcohol is on their breath, excepting that specified in MPD policy 1002.4.

However; No employee shall report for duty or remain on duty when the employee uses any substance which carries a warning label, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised the employee, in writing, that the substance will not adversely affect the employee's ability to safely perform a safety sensitive function.

Use of any prescription or non-prescription drug in a manner other than is advised by a physician or by package directions is prohibited.

A legally prescribed drug means that an individual has a prescription or other written approval from a licensed physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken per dose and a period of authorization for use.

If any employee misuses any controlled substance, is tested and the result of any test is found to be positive by the laboratory, the Medical Review Officer shall declare the result to be positive and the employee will be subject to disciplinary action up to, and including termination.

c. Alcohol:

The ingestion of beverages or substances containing alcohol, including medication , mouthwash, foods, candies or any other substance such that alcohol is present in the body while performing city business is prohibited.

The employee cannot consume alcohol 4 hours prior to reporting for duty even if the alcohol is in a prescribed medication. No employee shall be allowed to continue working if the odor of alcohol is on their breath, excepting that specified in MPD policy 1002.4.

The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device. A confirmed BAC result of 0.04 or greater will be considered positive for alcohol and the employee will be removed from duty and the required steps will be followed.

5. Prohibited Conduct:

Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee poses a risk to the health and safety of the employee or others due to drug or alcohol use.

a. Controlled substance use:

Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103).

The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Employees that violate this rule will be subject to disciplinary action up to or including termination. If criminal activity is suspected appropriate law enforcement response will be initiated. Referral to a Substance Abuse Professional for evaluation will also be available.

b. Alcohol use:

No Minot Police Department employee shall use alcohol while on duty or within 4 hours prior to going on duty. Employees who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance. Employees subject to recall are reminded that they are to be in conformance with this policy when reporting for duty.

Post - accident regulations require an employee to remain available for testing and use no alcohol for up to 8 hours following an accident or until that employee is tested, whichever comes first.

Employees violating this policy and procedure will be subject to disciplinary action up to and/or including termination. Referral to a Substance Abuse Professional for evaluation is also available.

c. Minot Police Department personnel must comply with testing requirements as a condition of employment. Any employee must fully cooperate with testing personnel. Any refusal to test will have the same consequences as a positive test result. The following circumstances constitute a test refusal:

1. Failure to appear in a timely fashion for drug or alcohol tests (except pre-employment).
2. Failure to remain at the testing site until the testing process is complete.
3. Failure to attempt to provide a breath, or urine specimen for alcohol and drug testing.
4. Failure to provide adequate specimen for any drug or alcohol test as required and failure to seek and obtain a valid medical explanation for the insufficient quantity.
5. Refusal to allow the observation or monitoring of a specimen collection when it is required.
6. Failure to take a second drug test that the employer or collector has directed.
7. Failure to undergo a medical exam as directed by the employer, Medical Review Officer or Designated Employer Representative as part of the verification process, “shy bladder” or “shy lung” procedures.
8. Failure to cooperate with the testing process.
9. For an observed collection, failure to follow the observer’s instructions to raise clothing above the waist, l lower clothing to mid-thigh, and to turn around (360°) to allow the observer to insure that the donor is not wearing a prosthetic or similar device that could be used to interfere with the collection process.
10. Possession of a substance or wearing of a device as described above intended to help pass the drug test.
11. Admitting adulteration or substitution of the specimen to the collector or the Medical Review Officer.
12. The Medical Review Officer reports a verified adulterated or substituted test result.
13. For alcohol tests, refusing to sign Step 2 of the Alcohol Testing Form
14. Failing to remain available for a Post-accident test as required.

d. Notification of Criminal Drug Conviction:

In accordance with the Drug Free Workplace Act of 1988, any individual covered by this policy who is convicted of any criminal drug statute for a violation occurring on duty, on City of Minot premises or City of Minot property, while operating any City of Minot owned or controlled vehicle shall notify their Supervisor no later than 5 days after such conviction. Pursuant to the Federal Drug-free Workplace Act, the City of Minot will notify the appropriate federal granting or contracting agency, if any, of the conviction within 10 days after receiving such notification. Within 30 days after receiving notice from an individual covered by this policy of a drug-related conviction, the City of Minot, at its sole discretion, will take appropriate action against the employee up to and including termination or require the individual to satisfactorily participate in a drug abuse assistance or rehabilitation program. Failure to comply with this provision shall result in disciplinary action, up to and including termination.

6. Testing Procedures

a. Drug testing:
One urine specimen is collected for testing at the designated testing facility and the specimen will be split into two vials. “Vial A” is used as the primary testing and “Vial B” will be stored at the Department of Health and

Human Services certified laboratory in the event the donor request a split specimen test. If the split specimen (Vial B) is to be tested, it will be sent to another DHHS approved laboratory. If the second laboratory confirms the positive results of the first laboratory, the employee will be responsible for payment of the second test. Regardless of payment, the second test will be conducted in a timely manner. If the second laboratory fails to confirm the results of the first laboratory, the second test will be used as the ultimate test result. Employees have up to 72 hours after being first contacted by the Medical Review Officer regarding a positive drug test result. If you have not requested a split test within 72 hours, the employee can still do so, however the employee must present documentation of a serious illness or communication failure preventing the employee from contacting the MRO.

b. Alcohol:

Tests for breath alcohol concentration will be conducted using a screening and/or evidential breath testing (EBT) device that is contained on the National Highway Traffic Safety Administration's (NHTSA) conforming products list. If an initial screening indicates an alcohol concentration of 0.02 or greater, a second confirmation test will be performed using an EBT operated by a certified BAT after an elapsed waiting time of not less than 15 minutes but no more than 30 minutes.

An alcohol concentration of less than 0.02 on the confirmation test shall be considered negative for alcohol.

An employee with an alcohol concentration of 0.02 to 0.039 shall be sent home for one day and cannot use sick leave for that day. The test result shall otherwise be treated as a negative.

An employee with a confirmed alcohol concentration of 0.04 or greater shall be considered to be positive for alcohol and the appropriate disciplinary action may be taken. Documentation shall show the test as positive for alcohol.

Alcohol testing, regardless of the reason for the test, shall only be conducted immediately prior to, or during work hours.

7. Reasons for Testing

A drug test can be performed at any time. An alcohol test shall only be performed while the employee is on duty, immediately prior to, or immediately following an accident or Officer Involved Shooting. The time used for drug and alcohol testing is considered to be "on duty time" with the exception of Pre-employment testing.

The Chief of Police is subject to all the rules and procedures included in this policy. If the Chief of Police is subject to testing for any reason the City Manager will be contacted and the policy will be followed under the City Manager's supervision.

The following paragraphs outline the reasons an employee could be tested:

a. Pre-employment Testing:

All police department hires shall undergo alcohol and/or drug testing following the offer of employment. The City of Minot must have a verified negative drug test on file for the employee prior to the start of employment. A positive pre-employment drug test will disqualify an applicant for employment for a period of 120 days and subject the applicant to the substance abuse evaluation, treatment and re-evaluation process outlined in the Return-to-duty process.

If an applicant has previously failed a pre-employment drug test, the applicant must present to the employer proof of successfully having completed a referral, evaluation and treatment plan.

b. Random Testing:

Current employees, will be randomly tested for controlled substances and/or the presence of alcohol. Each employee shall be included in a pool from which random selections are made. Each employee in that pool shall have an equal chance of being selected and shall remain in the pool, even after that employee has been tested.

Random drug testing can be done at any time the employee is employed.

Alcohol testing will be conducted immediately prior to, or during scheduled work hours, or immediately following an accident or officer involved shooting when requested by a supervisor.

Random pool selection shall be made by the Third Party Administrator using a scientifically valid random number generator or computerized random number generator program. The date and times of testing will be varied and spread out throughout the selection period. All random testing will be unannounced and reasonably spread throughout all days, hours and shifts throughout the year.

When an employee has been notified of a random test, he/she will immediately proceed to the testing site for breath or urine testing. The employee must have a government or employer issued, unexpired, photo identification with them to present to testing personnel. After a successful urine collection and/or negative alcohol test, the employee may return to his/her duties.

c. Negative Dilute:

Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the Medical Review Officer.

d. Post-Accident Testing:

A drug or alcohol test may be requested by a supervisor when an employee during the performance of his/her duties, drives a motor vehicle and becomes involved in an accident or is involved in any other work related action that results in bodily injury to him/herself or another person.

Any accident involving serious injury or death to any involved party or any officer firing a firearm during Officer Involved Shooting shall require testing for both alcohol and drugs of the involved employee.

The employee shall remain available for testing for 8 hours for alcohol, 32 hours for drugs, or until after that employee has completed the testing, whichever occurs first. When a required test has not been administered within the required time frame following the accident, the following actions shall be taken:

- 2 hours - If the employee has not been tested for alcohol within this time, the employer or supervisor shall prepare and maintain on file a record stating the reason a test was not properly administered, but must continue efforts for 6 more hours.
- 8 hours - Cease attempts to administer an alcohol test. Prepare and maintain the record described above.
- 32 hours - If the employee has not been tested for drugs after this time, the employer shall cease attempts to administer the test. The employer shall prepare and maintain the record described above.

Employee Responsibility:

An employee who is subject to required testing must remain available for testing or the employer may consider the employee to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency care. The employee subject to a required test must refrain from

consuming alcohol for eight (8) hours following the incident or accident, or until he/she completes the alcohol test, whichever comes first.

Employer Responsibility:

The employer shall provide employees with necessary post-accident information and instructions, prior to the employee operating a Minot Police Department vehicle so the employee will be able to comply with the requirement.

e. Reasonable Suspicion Testing:

REQUESTING SCREENING TESTS

The Shift Commander or supervisor may request an employee to submit to a screening test if he/she:

(a) Reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs which are impairing his/her ability to perform duties safely and efficiently.

(b) Informs the employee of the specific facts supporting this belief, and:

1. Informs the employee whether the test will be for alcohol or drugs, or both.

2. Informs the employee that the result of the test is not admissible in any criminal proceeding against him/her.

3. Informs the employee that he/she may refuse the test, but that his/her refusal may result in termination or other disciplinary action.

(c) The employee discharges a firearm, other than in training, in the performance of his/her duties other than to dispatch an animal.

(d) During the performance of his/her duties, drives a motor vehicle and becomes involved in an accident or is involved in any other work related action that results in bodily injury to him/herself or another person.

SCREENING TEST REFUSAL

An employee is subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she had taken the substance as directed pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of Minot Police Department policy.

Reasonable suspicion testing is required when a trained supervisor reasonably suspects that an employee is under the influence of a prohibited controlled substance and/or alcohol. The supervisor's determination that reasonable suspicion exists to require the employee to undergo a drug test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee, and must be documented. The observations may include indications of the chronic and withdrawal effects of controlled substances.

A reasonable suspicion alcohol test can only be done immediately prior, during or immediately after the performance work related duties. The observations leading to that testing must be made during, just preceding, or just after the employee performs covered duties.

Following a reasonable suspicion determination, the employer shall ensure the test is completed within the same time constraints outlined for post-accident testing. If the test has not been completed, a similar record must be written and maintained.

f. Return-To-Duty Testing:

1. Alcohol:

Each employer shall ensure that prior to an employee returning to duty, after confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test, the employee shall complete any required evaluation, rehabilitation requirement and re-evaluation determined by a Substance Abuse Professional. The employee shall also undergo and receive a negative alcohol test with a reading of less than 0.04 BAC.

2. Controlled Substances:

The employer shall ensure that prior to an employee returning duty, after being found positive for one or more controlled substances or refuses to submit to a test, the employee shall complete any required evaluation, rehabilitation requirement and re-evaluation determined by a Substance Abuse Professional. The employee shall also undergo and receive a verified negative result for controlled substances.

g. Follow-up Testing:

After successful completion of the return-to-duty process, the employer shall ensure the employee is subject to unannounced follow-up alcohol and/or controlled substance testing as directed by the Substance Abuse Professional. Follow-up testing shall be a minimum of at least 6 tests per year given at an interval determined by the Substance Abuse Professional, and can continue for up to a total of 5 years. Employees subject to follow-up testing must also remain in the standard random pool and must be tested whenever their name comes up for random testing, even if this means being tested twice in the same day, week, or month.

8. Refusal to Test:

Employees must comply with testing requirements. Any employee must fully cooperate with testing personnel. Any refusal to test will have the same consequences as a positive test result. The following circumstances constitute a test refusal:

1. Failure to appear in a timely fashion for drug or alcohol tests (except pre-employment).
2. Failure to remain at the testing site until the testing process is complete.
3. Failure to attempt to provide a breath, or urine specimen for alcohol and drug testing.
4. Failure to provide adequate specimen for any drug or alcohol test as required and failure to seek and obtain a valid medical explanation for the insufficient quantity.
5. Refusal to allow the observation or monitoring of a specimen collection when it is required.
6. Failure to take a second drug test that the employer or collector has directed.
7. Failure to undergo a medical exam as directed by the employer, Medical Review Officer or Designated Employer Representative as part of the verification process, “shy bladder” or “shy lung” procedures.
8. Failure to cooperate with the testing process.
9. For an observed collection, failure to follow the observer’s instructions to raise clothing above the waist, l lower clothing to mid-thigh, and to turn around (360°) to allow the observer to insure that the donor is not wearing a prosthetic or similar device that could be used to interfere with the collection process.
10. Possession of a substance or wearing of a device as described above intended to help pass the drug test.
11. Admitting adulteration or substitution of the specimen to the collector or the Medical Review Officer.
12. The Medical Review Officer reports a verified adulterated or substituted test result.
13. For alcohol tests, refusing to sign Step 2 of the Alcohol Testing Form
14. Failing to remain available for a Post-accident test as required.

9. Disciplinary Action

a. Drug and/or Alcohol Tests:

1. Negative test result:
No disciplinary action is taken.

2. Positive test results:
I. A positive test may result in disciplinary action up to and including termination.

II. If the employee is not terminated, the employee shall complete a drug and/or alcohol evaluation and shall comply with the recommendation of the Substance Abuse Professional. The employee shall pay for all costs associated with the evaluation and treatment as recommended. The employee shall only be permitted to return to duty after meeting Substance Abuse Professional requirements for rehabilitation and testing negative on the Return-to-duty test. The employee will then be required to submit to follow-up drug and alcohol testing.

b. Supervisors:

If a supervisor has a reasonable suspicion that an employee is under the influence of a controlled substance or alcohol, he/she must request that the employee be tested in a timely manner. The failure to do so may result in disciplinary action against the supervisor. Any supervisor that misuses his/her authority will result in disciplinary action up or including termination.

10. Self-Referral to Employee Assistance Program

Employees should contact the Human Resource Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

All employees who feel they have a problem with the use of alcohol or controlled substances may refer themselves for evaluation and any needed rehabilitation through the employee assistance program prior to notification of an impending test. The admission and self-referral cannot be used to avoid a properly administered regulated controlled substances or alcohol test.

No employee will be subject to disciplinary action for self-referral. Until that employee has completed any rehabilitation program and received a verified negative controlled substances and/or alcohol test (less than 0.02 BAC), they will be removed from duty. The employee may also be subject to a return-to-duty test. All expenses relating to the rehabilitation program shall be the sole responsibility of the employee

11. Program Contact

Any questions regarding this policy or any other aspect of the drug and alcohol-free program should contact the Chief of Police or Human Resources Director.

The Third Party Administrator, Medical Review Officer, Collector and/or BAT shall discuss testing only with the Human Resource Director or Designated Employer Representative.

12. Documentation

A. Confidentiality
The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files (N.D.C.C. § 44-04-18.1).

All documentation shall be kept confidential. The only persons that have access to any documents relating to the Minot Police Department's Drug and Alcohol Testing Program and specific test results are the donor employee (with written request by the employee or in response to a proceeding initiated by the employee), the

Chief of Police, Designated Employer Representative, Human Resource Director, Medical Review Officer and the City of Minot's Third Party Administrator. No other person(s) shall have access without written court order.

B. Retention of documents

1. Negative test results shall be retained on file for no less than one (1) year.

2. Positive test results shall be retained on file for no less than five (5) years.

13. Drug and Alcohol Testing Fees

The City of Minot shall pay for all tests that are required by the testing program except that:

Any tests requested by the employee or caused to be conducted by a violation of this policy shall be paid by the employee. The City of Minot shall ensure that all testing is done in a timely manner regardless of payment. The City of Minot may seek reimbursement for the costs of rehabilitation, split tests, return-to-duty tests, follow-up testing and/or any test otherwise requested by the employee.

14. Drug and Alcohol Program Personnel

City of Minot - Human Resource Department
City of Minot Human Resource Director
515 2nd Ave SW
Minot, ND 58701
857-4756

Designated Employer Representative
Administrative Commander
Minot Police Department
515 2nd Ave SW
Minot, ND 58701
857-4716

Third Party Administrator/Collection/Testing Site
Trinity Medical Group Occupational Medicine
400 Burdick Expressway E
Minot, ND 58701
857-7840

After hours Collection Site
Trinity Health – Emergency Room
1 W Burdick Expy
Minot, ND 58701
857-3823

Medical Review Officer (Primary)
Dr. Howard Reeve
400 Burdick E
Minot, ND 58701

857-7840

Medical Review Officer (Secondary)
Industrial Med Testing
H.J. Khella
1451 Tallevast Rd
Sarasota, FL 34243
(941) 753-9199

DHHS Certified Laboratory (Primary)
Quest Diagnostics
10101 Renner Blvd
Lenexa, KS 66700
(800) 877-7484

Substance Abuse Professional (Primary) / Employee Assistance Program
The Village Business Institute
20 1st St SW, Suite 250
Minot, ND 58701
(800) 627-8220

Substance Abuse Professional (Secondary)
Linda Berdahl
Cornerstone Addiction Services
1705 4th Ave NW
Minot, ND 58701
839-0474

Substance Abuse Professional (Secondary)
Will Bachmeier Counseling
Lutheran Social Services
1905 2nd St SE, Suite 1B
Minot, ND 58701
833-6798

15. Adverse Effects of Alcohol and Controlled Substances on the Body Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substances problem, can be found in the following paragraphs.

a. A l c o h o l : The most commonly abused drug in the nation is alcohol. Nearly 100,000 deaths each year are linked to alcohol; and alcoholics are 16 times more likely to die in falls. Alcohol includes beer, wine and hard liquor. The same alcohol content is found in each of the following: One 12 ounce can of beer, one 4 ounce glass of wine or 1 ounce of hard liquor.

The short term effects of alcohol are impaired muscle control and/or coordination, body odor, glassy eyes, slurred speech and an impaired thought process. Behavior can also be affected in a lack of awareness, moodiness, depression and/or aggressive mannerisms. Long term effects of alcohol may include (but are not limited to) hypertension; enlarge heart; loss of muscle tissue memory loss; ulcers; cirrhosis of the liver; liver cancer and addiction.

b. M a r i j u a n a : It's the most frequent illegal substance detected in DOT regulated. It is also the most prevalent drug found in fatal commercial vehicle accidents. A common fallacy is that marijuana impairs coordination only while the user is experiencing what is considered to be the "high". In fact, measurable response time and judgmental skill impairment can last for days after using marijuana.

Marijuana is a dry, shredded green/brown mix of flowers, stems, seeds and leaves of the hemp plant Cannabis Sativa. It usually is smoked as a cigarette (joint) or in a pipe or water bong. It is also smoked in blunts (cigars emptied of tobacco and refilled with marijuana), often mixed with another drug such as PCP. Use might also include eating food or drinking a brewed tea containing marijuana. A more concentrated, resinous form is called hashish and a sticky black liquid is known as hash oil. Marijuana has a pungent, distinctive, sweet and sour odor.

The active chemical in marijuana is THC. Marijuana's effect on the user depends on its potency. The THC content in marijuana has been steadily increasing since the '70's. Short term effects of using marijuana can include chronic fatigue & sore throat, irritating cough, accelerated heartbeat, slowed speech, impaired coordination and increased appetite. Behavior while using marijuana can also include impaired memory, time and space distortion, panic attacks, paranoia and an "I don't care" attitude. Long term effects may include increased risk of come cancers, heart disease, altered immune system, depression and/or anxiety.

Medicinal use of marijuana is not permitted under Federal regulations regardless of State laws permitting its use for certain medical reasons. Also, eating foods or using products containing hemp are not acceptable excuses for a positive marijuana test result even if the hemp products were legally obtained.

c. C o c a i n e : There are two chemical forms of cocaine; powder (hydrochloride salt), which is generally dissolved in water and injected or snorted; and freebase, which is normally smoked. Crack cocaine is processed with ammonia and heated or cooked. It is also most normally used by smoking or injection. Effects of cocaine are dilated pupils, runny or irritated nose, profuse sweating, dry mouth, tremors, needle track marks, loss of appetite, hyper-excitability hypertension, heart palpations, insomnia and talkativeness. Behaviors of persons using cocaine can include depression, isolation, boosted energy levels, paranoia, mood swings, trouble concentrating and frequent absences. Long term effects may include heart disease, respiratory disease and/or failure, stroke, seizures and gastrointestinal problems.

d. A m p h e t a m i n e s : Amphetamines, including methamphetamine, are psycho stimulants. They are sometimes commonly known as 'speed" and stimulate the central nervous system. They can be in the form of powder, tablets, capsules, crystals (rocks), or red liquid. They are usually packaged in foil, plastic bags or small balloons when sold illegally.

Effects of amphetamines are dilated pupils, sweating, hypertension, heart palpitations, dizziness, decreased appetite, dry mouth and insomnia. Behaviors can include confusion, paranoia, moodiness, hallucinations, and anxiety. Long term effects of amphetamine abuse may include irreversible brain damage, convulsions, psychosis and intense anxiety.

e. O p i a t e s : Derived from the poppy plant, opiates include opium, heroin, morphine and codeine. Opiates can trigger very strong addiction tendencies when used improperly and without a physician's advice. Heroin is generally a white or brown powder and is typically injected.

Effects of opiate use includes constricted pupils, sweating, nausea and vomiting, diarrhea, needle track marks, slurred speech, slowed reflexes, depressed respiration and heartbeat drowsiness, loss of appetite and fatigue. Behaviors include mood swings, impaired coordination, depression and apathy, stupor and/or feelings of euphoria. Long term effects may include collapsed veins, infection of the heart lining, cellulites, liver disease, respiratory problems and pneumonia.

f. Phencyclidine: Also known as PCP, it is a white crystalline powder that is water or alcohol soluble. PCP is usually sold illegally in the form a tablets, capsules and/or colored powder. It can be snorted, smoked or eaten. It is often smoked with marijuana.

Effects of Phencyclidine use may include dilated or "floating" pupils, blurred vision, drooling, muscle rigidity, sweating, and resistance to pain, drowsiness, impaired coordination, rapid heartbeat and disorientation. Behaviors include aggressive or violent tendencies, panic, poor judgment, severe confusion, hallucinations, terror and mood swings. Long terms of PCP use may include violent behavior, central nervous system disorders, loss of motor skills and coma.

If an employee suspects a co-worker of abusing a banned substance, the employee should not confront the co-worker. The employee should report the concerns to their supervisor, who will in turn, investigate the suspicions. If substantiated, the supervisor will refer the employee to the employee assistance program or a Substance Abuse Professional that can properly diagnose and treat any dependency problem.

16.

ACKNOWLEDGEMENT OF TRAINING AND
RECEIPT OF POLICY

I _____have received the Minot Police Department's Drug and Alcohol Free Workplace Policy and Testing program training. The training and policy covered the following topics:

- ☐ Name of Human Resource Director
- ☐ Who is covered by the regulations and policy
- ☐ Prohibited conduct
- ☐ Types of testing
  - ☐ Pre-employment
  - ☐ Random
  - ☐ Post-accident
  - ☐ Reasonable suspicion
  - ☐ Return-to-duty
  - ☐ Follow-up
- ☐ Testing procedures
- ☐ Refusals
- ☐ Consequences of prohibited conduct
- ☐ Where to find help
- ☐ The effects of alcohol and drugs on the body

Printed Name _____

Employee Signature _____ Date _____

Supervisor Signature _____ Date _____

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DIVISION 2. CITY MANAGER[1]

Sec. 2-47. Duties generally.

The city manager shall be the chief administrative officer and shall:

(a) Be responsible to the city council for the proper administration of all of the affairs of the city;

(b) Prepare and submit to the governing body an annual preliminary budget as provided for under Chapter 40-40, N.D.C.C., and shall be responsible for the administration of the final budget, subject to the control of the city council as to changes in the same;

(c) Be responsible for law enforcement;

(d) Appoint and remove, subject to civil service regulations if in effect, all heads of administrative departments and employees of the city except the city attorney. However, the city manager shall neither appoint nor remove the head of any department without consent and approval of the city council;

(e) Keep the city council advised of the financial condition of the city and make such recommendations as may seem desirable;

(f) Be responsible for the purchase of all supplies, materials and equipment for the operations of the city in accordance with the purchasing policy of the, as established in this chapter; and

(g) Perform such other duties as are prescribed by this Code or other ordinances of the city, or as may be prescribed from time to time by the city council.

(Rev. Gen. Ords. 1962, § 4-0401(1)—(6); Ord. No. 5543, § 1)

State law reference(s)—For similar provisions, see N.D.C.C., § 40-10-06.

Sec. 2-48. Paid time off.

The city manager's paid time off accrual shall be determined by employment contract and at the discretion of the city council.

(Rev. Gen. Ords. 1962, § 4-0401 (7), (8); Ord. No. 1516, § 1; Ord. No. 5012, § 5; Ord. No. 5024, § 1; Ord. No. 5332, § 1; Ord. No. 5543, § 2; Ord. No. 5950, § 1)

Sec. 2-49. Notice of resignation.

The city manager shall give at least sixty (60) days' notice prior to leaving to accept another position.

(Rev. Gen. Ords. 1962, § 4-0401(9); Ord. No. 1516, § 1)

[1]State law reference(s)—The city manager plan, N.D.C.C., § 40-10-01 et seq.

Sec. 2-50. Membership in professional association.

The city shall furnish to the city manager the dues and membership in the International City Managers' Association.

(Rev. Gen. Ords. 1962, § 4-0401(10))

Sec. 2-51. Notification before leaving the city.

The city manager shall not leave the city for more than forty-eight (48) hours without notifying the mayor or, in the absence of the mayor, the president of the city council or, in the absence of the mayor and president of the city council, the vice-president of the city council.

(Rev. Gen. Ords. 1962, § 4-0401(11); Ord. No. 1516, § 1; Ord. No. 5950, § 1)

Sec. 2-52. Moving expenses.

The city shall bear the moving expense of transporting the city manager's household effects to the city from the city manager's last previous position.

(Rev. Gen. Ords. 1962, § 4-0401(12))

Sec. 2-53. Duties in case of absence, disability, or vacancy.

(a) Whenever the position of city manager is vacant, or whenever the city manager is unable to perform his or her duties thereof by reason of absence or disability, the assistant city manager shall perform the duties thereof in an acting capacity.

(b) If the assistant city manager is unable to perform the duties of city manager pursuant to subsection (a), the line of succession to perform the duties of city manager in an acting capacity shall be as follows: finance director; police chief; fire chief; city engineer.

(c) As an alternative to subsections (a) or (b), by a majority vote, the city council may direct or designate another individual to perform the duties of city manager in an acting capacity.

(Rev. Gen. Ords. 1962, § 4-0501(22); Ord. No. 5543, § 4; Ord. No. 5950, § 1)

Editor's note(s)—Ord. No. 5543, § 4, adopted Nov. 16, 2020, changed the title of § 2-53 from "When city auditor to act as city manager" to read as herein set out.

Secs. 2-54. Assistant city manager—Generally.

(a) *Generally.* The position of assistant city manager is hereby created to assist the city manager in coordinating the operations and proper administration of the affairs of the city. The assistant city manager shall be directly responsible to and under the supervision of the city manager and may be assigned direct supervision of city departments as assigned by the city manager.

(b) *Duties.* The assistant city manager shall function as the city manager in the absence of the city manager from the city and/or illness of the city manager. In the event the city manager resigns from office, is removed from office, or dies, the assistant city manager shall act as the city manager until a city manager is formally appointed and assumes the position as city manager, unless the city council directs or designates another individual to perform the duties of city manager in an acting capacity.

(c) *Appointment.* The assistant city manager shall be recommended by the city manager and appointed by a majority vote of the city council for an indefinite term to serve at the pleasure of the city council.

(Ord. No. 5950, § 2)

Secs. 2-55—2-59. Reserved.

Chapter 24 PERSONNEL CODE[1]

ARTICLE I. IN GENERAL

Sec. 24-1. Legislative purpose.

It is the intent and purpose of this chapter to provide that employment with the City of Minot shall be on a civil service basis which is designed to secure for the city and its employees the following advantages:

(1) Recruitment and promotion on the basis of merit rather than on the basis of patronage or favoritism;

(2) Job security based on satisfactory performance; and

(3) Provision for the review of decisions relating to personnel matters by an impartial and nonpolitical third party—the commission.

(Ord. No. 2630, § 1)

Sec. 24-2. Definitions.

For purposes of this chapter unless the context indicates otherwise:

Annual plan means the annual employees' classification and pay plan.

Appointing authority means the mayor for the city attorney, subject to section 2-116(4); the city attorney for city attorney subordinates; the city manager, or his or her written designee, for all other employees of the city, subject to section 2-47(d) for heads of departments.

Commission means the civil service commission of the City of Minot.

Department means the following departments of the City of Minot government: finance, police, airport, engineering, assessor, fire, public works, community development, and personnel.

Director means the personnel director of the City of Minot.

Length of service means the period of time during which a person was employed by the city, which period need not be uninterrupted.

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[1]Editor's note(s)—Ord. No. 2630, § 1, enacted Jan. 3, 1984, repealed former Arts. I—VI of Ch. 24, setting forth personnel regulations, and enacted in lieu thereof new Arts. I—VI as herein set out. Section 3 of said Ord. No. 2630 provided:

"§ 3. To the extent required by principles of constitutional law, and by the established law with respect to implied contracts, the repeal of Articles I to VI of Chapter 24 as it existed prior to the effective date of this ordinance shall not accomplish any abridgement or diminution of the vested rights of employees of the City of Minot which may have accrued to them under the provisions of chapter 24 which are being repealed by this ordinance."

Former Arts. I—VI were derived from the following legislation: Rev. Gen. Ords. 1962, §§ 13-0101—13-0108, 13-0201—13-0206, 13-0301—13-306, 13-0308—13-0310; Spec. Ords. 1962, Ch. 5, Art. I, §§ 1—4; and Ord. Nos. 1568, 1587, 1678, 1695, 1729, 1771, 1779, 1836, 1897, 1928, 1933, 1942, 1987, 2296, 2371.

Position means a position of employment with the City of Minot.

Service means the City of Minot Civil Service.

(Ord. No. 2630, § 1; Ord. No. 5361, § 1; Ord. No. 5543, § 11; Ord. No. 5683, § 1)

Secs. 24-3—24-10. Reserved.

ARTICLE II. CIVIL SERVICE COMMISSION

Sec. 24-11. Civil service commission established; composition.

There is hereby established a civil service commission consisting of three (3) members.

(Ord. No. 2630, § 1)

Sec. 24-12. Members' qualifications.

Members of the commission shall be individuals who do not hold any elective office, appointive position, or position of employment with the City of Minot except as a member of the commission.

(Ord. No. 2630, § 1)

Sec. 24-13. Appointment; term of office; removal.

The members of the commission shall be appointed by the city mayor and confirmed by the city council. Each member shall serve for a term of office of five (5) years and until a successor is appointed, qualifies, and agrees to serve. A term commences to run on the date when the council confirms the member's appointment. For good cause and after prior notice and an opportunity to be heard, a member may be removed from office by three-fourths vote of the members of the city council.

(Ord. No. 2630, § 1)

Sec. 24-14. Compensation.

Compensation for members of the commission shall be paid on a permanent and regular basis in an amount determined by the city council from time to time by way of resolution.

(Ord. No. 2630, § 1)

Sec. 24-15. Duties.

The duties of the commission shall be as prescribed in this chapter. The city council by way of resolution may request the commission to offer its advice and counsel with respect to such questions and problems pertaining to personnel management as might be identified in the resolution.

(Ord. No. 2630, § 1)

Sec. 24-16. Organization; rules and regulations.

(a) The commission shall have full authority to provide for its own internal organization. It shall establish all necessary and proper rules and regulations which may be needed to implement the authority given to it in this chapter and to discharge the duties assigned to it.

(b) The commission shall approve and ratify rules and regulations recommended by the director under this chapter if they are satisfactory to the commission. No such rules or regulations shall have any official force and effect until approved and ratified by the commission.

(Ord. No. 2630, § 1)

Sec. 24-17. Clerk.

The director or his delegate shall act as clerk for the commission.

(Ord. No. 2630, § 1)

Secs. 24-18—24-20. Reserved.

ARTICLE III. PERSONNEL DIRECTOR

Sec. 24-21. Position of personnel director created.

There shall be created a position in the service of the city to be known as personnel director.

(Ord. No. 2630, § 1)

Sec. 24-22. Duties.

The duties of the director shall be as prescribed in this chapter. Additionally, he or shall discharge such duties as may be delegated from time to time by the city manager or the city council. The director at any time may present duties delegated by the city manager before the city council for review, comment, and direction. Should the direction from the city council differ from that of the city manager, the director must follow the direction of the city council.

(Ord. No. 2630, § 1; Ord. No. 5543, § 12)

Sec. 24-23. Personnel files.

(a) The commission shall establish a procedure whereby personnel files are kept with respect to each employee of the city, past or present. These files shall contain the performance evaluations with respect to the employee, the job application form or forms submitted by the employee, the employee's job history, and other information or forms which the director deems appropriate to include therein.

(b) Any employee may inspect his individual personnel file during regular working hours of the personnel office. No material may be removed from the personnel office without the approval of the director.

(Ord. No. 2630, § 1)

Secs. 24-24—24-30. Reserved.

ARTICLE IV. THE CIVIL SERVICE

DIVISION 1. COMPOSITION OF THE CIVIL SERVICE

Sec. 24-31. Composition of civil service.

(a) The civil service of the City of Minot shall consist of all of its employees excluding special appointments noted in section 24-46.

(b) Elected officials and members of advisory boards and commissions such as the planning commission are not considered employees for the purpose of this chapter.

(c) The city manager is not considered an employee for purposes of Article V or Article VI of this chapter.

(Ord. No. 2630, § 1; Ord. No. 5361, § 2; Ord. No. 5683, § 2)

Secs. 24-32—24-35. Reserved.

DIVISION 2. THE ANNUAL PLAN

Sec. 24-36. The annual plan.

(a) No later than June 1st of each year, the director shall prepare and submit an annual employees' classification and pay plan to the commission for its review and approval. The commission shall conduct a public meeting on the plan, which may be adjourned from time to time, wherein it shall consider and approve the plan with or without modifications. In addition to the usual notice given of public meetings, the director will provide an additional notice specifically addressed to municipal employees by such means as he shall choose which are reasonably designed to accomplish that purpose. The commission shall take final action with respect to the proposed annual plan within sixty (60) days of its receipt thereof. Thereafter, the plan shall be confirmed as submitted or modified and confirmed by the city council as part of the annual budget process.

(b) The annual plan shall consist of two (2) parts. The first being the job classification analysis and the second being the pay plan.

(c) The job classification analysis shall be based upon a study of the job descriptions for all employees currently employed by the city and a study of the job descriptions for positions which are currently authorized but vacant. To the maximum extent feasible, the analysis shall treat the work force of the city as a whole and shall disregard departmental boundaries. The purposes of the classification analysis shall be to set forth various categories or classes, each of which will consist of a number of job descriptions which are substantially similar to one another in terms of duties, responsibilities, authority, minimum qualifications, required skills, required knowledge, required character traits, and such other matters as might be deemed relevant. The various categories or classes shall be distinguished from one another to the extent feasible by suitable descriptive titles. Moreover, the various categories or classes shall be arranged in a numerical ranking system which shall take into account and which shall reflect the relative importance, difficulty and exclusivity of each category or classification with respect to all other categories or classifications. The numerical ranking system shall use consecutive numbers to indicate the relative ranking of the various

classes or categories commencing with the number 1 for the lowest thereof. Each level of ranking to which a number is assigned is to be considered a "grade" to be known by the number assigned to that grade.

(d) The pay plan shall set forth the compensation which shall be paid to the employees of the city during the next ensuing fiscal year, including noncash benefits and severance pay, if any. It shall establish different levels of pay based upon grades and length of service. It shall take into account salaries being paid by competing employers and the city's ability to pay and shall be based upon two (2) general principles:

(1) The higher the grade the higher the pay; and

(2) The longer the service the more the pay.

However, the pay plan may provide for one (1) principle being subordinated to the other, so that, for example, one (1) employee with longer service than a second employee may be paid more than the second employee even though the second employee occupies a higher grade than the first.

(e) After the annual plan has been confirmed by the city council with or without modification as provided for in subsection (a) hereof, it shall govern and establish the salaries to be paid to city employees during the fiscal year to which it pertains. During that fiscal year, no employee shall be paid in excess of the amount provided therein for the position which he occupies. However, nothing herein is to be construed as prohibiting an increase in pay to an employee resulting from a promotion received by him or attributable to attaining a higher step within a grade, as long as the promotion or step increase occurs in accordance with the provisions of this chapter and the rules and regulations established hereunder.

(f) Changes in classification with respect to a particular job description may be initiated by the director as part of the preparation of the annual plan or the process may be initiated at any time by the employee holding the position in question; provided, however, that in the latter case, the reclassification, if any, shall not take effect until approved by the commission, and the city auditor certifies that sufficient unencumbered monies are available in the appropriate accounts in the budget for the fiscal year during which the reclassification occurs to pay for any resulting salary increase. Reclassification may be based upon either one (1) of two (2) grounds:

(1) The job description adequately describes the job, but the relative ranking of the job is inappropriate when compared to other job descriptions in the same grade.

(2) The job description does not accurately reflect the knowledge and skills being used by the employee in the course of employment, or it does not reflect the duties and responsibility actually being discharged by the employee; and if the job description were rewritten accordingly, the job would be ranked at a different grade or the rewritten description would duplicate an existing description at a different grade.

(g) Instead of granting a request for a reclassification of a position currently occupied by an employee, the commission may, instead, if it deems it in the best interest of the service, require of the director that the provisions of this chapter pertaining to promotions, lateral transfers, or demotions be followed instead, including, if necessary, the declaration of a vacancy with respect to a position and the filling of that position by competitive examination, so that the intent and purpose of this chapter may not be frustrated through the device of administratively reassigning duties. In exercising its discretion under this subsection, the commission shall consider whether and to what extent the reclassification request comes about as the result of a gradual, evolutionary, and unanticipated change in the duties of a position. Nothing herein is to be construed as prohibiting the appointing authority from administratively changing the duties attributable to a position or to an employee, but, rather, this subsection addresses solely the consequences resulting from such administrative changes in duties.

(h) The city council may amend the annual plan during the course of the year to which it applies, provided that the proposed amendment has been submitted and approved by the commission.

(Ord. No. 2630, § 1; Ord. No. 2936, § 1)

Sec. 24-37. Job descriptions.

(a) The director shall maintain detailed narrative job descriptions with respect to each distinct authorized position. The job description shall set forth characteristic duties and responsibilities attributable to a position and the minimum qualifications and desirable skills expected of the holder thereof.

(b) New job descriptions and substantial amendments to existing job descriptions must be approved by the city council as part of the annual plan or as an amendment thereto.

(c) No person shall be employed by the City of Minot unless he is hired with respect to a specific job description which has been approved by the city council and which has been classified as part of the annual plan or an amendment thereto approved by the city council unless:

(1) The employee is hired as an independent contractor; or

(2) The employee is hired under the authority of section 24-46.

(Ord. No. 2630, § 1; Ord. No. 5683, § 3)

Secs. 24-38—24-40. Reserved.

ARTICLE V. RECRUITMENT, PROMOTION, DEMOTION, TRANSFERS, TENURE, DISMISSAL, AND REDUCTION IN FORCE

Sec. 24-41. Filling vacancies.

(a) All vacancies in the service shall be filled by:

(1) The demotion, lateral transfers or promotion of a present employee;

(2) The rehiring of a former employee; or

(3) By the hiring of a new employee.

(b) (1) A present employee of the city shall have a qualified preference to fill a vacancy before the vacancy is filled through the rehiring of a former employee or the hiring of a new employee. That is, present employees who are interested in the vacant position shall initially compete amongst themselves alone for the vacancy. The commission shall make a determination among such present employees as to who meets the minimum qualifications for the position and pursuant to subsection (c) below the commission shall determine what their comparative rankings are with respect to one another. This process of establishing comparative rankings in some cases may require taking into account that a particular employee is seeking a vacant position by way of a voluntary demotion or voluntary lateral transfer. In this regard see paragraph (2) of this subsection and subsection (c) below. Next the commission shall submit to the appointing authority a list of names of present employees eligible for appointment to the vacancy. In so doing it shall employ the formula set forth in subsection (d) of section 24-42 in order to establish how many names to the list and shall list the names in accordance with their order of comparative ranking, the highest first. The appointing authority may fill the vacancy from the list or it may reject all names thereon. If more than one vacancy is involved, the appointing authority may fill one or more vacancies from the list and yet retain the right to reject the

remaining names thereon with respect to the remaining vacancies. If pursuant to this paragraph a present employee who bids for a vacant position is not selected for that position he may nevertheless compete for the same position with the applicants who compete for the position pursuant to section 24-42 (assuming that the position is not filled by another present employee or by the rehiring of a former employee), but in that instance he is entitled to no special preference by virtue of being a present city employee.

(2) Paragraph (1) shall not apply to those positions identified by the commission as entrance level positions, nor to department head positions, so that, consequently, city employees and non-employees alike may apply for such positions on an equal footing.

(3) To the extent a vacancy is to be filled from among present employees, preference shall be given to demotions over lateral transfers and to lateral transfers over promotions. If the vacancy is to be filed by a demotion, the following descending order of preference shall be observed: Demotions as part of a reduction in force, demotions for the good of the service, demotion of a probationary employee and voluntary demotions. If the vacancy is to be filled by a lateral transfer the following descending order of preference will be observed: Lateral transfer as a part of a reduction in force, lateral transfer for the good of the service, lateral transfer of a probationary employee, voluntary lateral transfer and lateral transfer for disciplinary reasons.

(4) Notwithstanding anything to the contrary in paragraphs (1) and (2) above, the appointing authority must fill a vacancy by demotion or lateral transfer if that action is required by section 24-50 pertaining to reduction in force or if an applicant seeks a voluntary demotion or voluntary transfer to a position when no one with higher priority under this subsection seeks the same position and all affected department heads consent.

(c) The commission shall promulgate suitable regulations, rules and procedures to implement the system of priorities set forth in subsection (b). These regulations shall also set forth a means whereby comparative rankings can be established among employees in the same category who are eligible for a vacant position, such as, for example, when more than one employee is seeking a lateral transfer to a vacancy. The comparative ranking system shall take into account each employee's performance evaluations and length of service, and may take into account the results of tests or criteria similar to those provided for in section 24-42(c).

(d) If a vacancy is filled by the rehiring of a former employee or the hiring of a new employee the procedures set forth in sections 24-43 and 24-42 respectively shall be followed.

(e) In all cases where a vacancy becomes available for filling the director shall see that suitable public notice of the vacancy is given. The notice will include the title of the position, if any, the job description for the position (which may be summarized), the classification of and the minimum and maximum salary attributable to the position, and appropriate information as to how an interested applicant may obtain further particulars. The public notice shall be made in the manner most reasonable under the circumstances. For example, if it appears to the director that it is very likely that the position will be filled by a present city employee then at least initially the notice need only be posted on city bulletin boards and distributed among city employees without publication of the notice in a newspaper of general circulation.

(f) For the purpose of this section only, a present employee of the city shall include those employees of the auditorium and recreation departments transferred to the Minot Park District after March 31, 2019, with the exception of the tennis center manager who is employed under contract.

(Ord. No. 2630, § 1; Ord. No. 3965, § 1; Ord. No. 5361, § 3)

Sec. 24-42. Hiring new employees.

(a) If a vacancy in the service is not filled by a present employee or by the rehiring of an employee who is eligible for rehiring as a matter of right, then the appointing authority may choose an employee from among names of applicants submitted to him by the director in accordance with the following procedures, or he may choose to leave the position vacant.

(b) The appointing authority shall indicate to the director whether he wishes to choose an employee from the existing eligibility list established with respect to the position, if any, or whether he wishes the director to create a new eligibility list for that position.

(c) An eligibility list shall be established with respect to a position as follows: The commission will establish and approve appropriate tests and criteria to be used to evaluate employment applicants with respect to each position, based upon the contents of the job description pertaining thereto, including specifically the minimum qualifications stated therein. The tests may be written, oral, physical or in the form of a demonstration of skill or any combination of these. The tests and criteria shall be designed to evaluate elements of training, experience, aptitude, knowledge, character, personality, skill, physical fitness or other qualifications. In any event, the tests and criteria to be administered must be reasonably designed to relate positively to actual job performance with respect to the position for which the tests are given and the criteria applied, in order that the tests shall not serve as a means whereby job applicants are unlawfully discriminated against on the grounds of race, color, religion, sex, age or national origin.

(d) The commission shall rank applicants one against the other based upon the results of the tests referred to in subsection (c) and the list of the names of the applicants set forth in the order of their respective rankings, with the highest ranked first, shall constitute the eligibility list for the position for which the tests were administered. The appointing authority may consider for appointment three (3) names on the list for the first vacancy to be filled, plus two (2) names for each vacancy thereafter, but the names subject to consideration for appointment must be selected in consecutive numerical order commencing with the first.

(e) The commission may provide with respect to certain classes of positions that no tests of the type provided for in subsection (c) be administered, as when, for example, the position requires as a prerequisite that the applicant possess a professional degree or professional credentials. Likewise the commission may provide that certain positions be filled by the appointing authority on the basis of personal interviews only, because the nature of the position does not easily permit the applicant to be evaluated in an objective manner, but rather selection must take into account intangible aspects of character and personality.

(f) If in the judgement of the commission it will promote the efficiency of the service to maintain permanent eligibility lists with respect to some positions it may do so, without prejudice, however, to the right of the appointing authority at any time to require that a new eligibility list be established with respect to a position wherein there is a vacancy which the appointing authority wishes to fill. The permanent eligibility list may either be frozen or floating. That is, a frozen list is one to which no new names are added until some predetermined event occurs such as the number of the names on the list dropping to a certain prescribed level or after the passage of a prescribed period of time. A floating list is one in which names are added and ranked from time to time as persons submit applications for employment and take examinations, which procedure the commission may authorize even though no vacancies may exist in the positions for which employment is sought. If the commission does establish a permanent eligibility list it may strike names therefrom at any time upon its determination that good cause exists to do so. The nature of such good cause shall be established by the commission by appropriate rules and regulations but at a minimum these rules and regulations will provide that the name of a person on a permanent eligibility list shall be struck if that person:

(1) Obtains city employment,

(2) Refuses an offer of city employment,

(3) Can no longer be contacted after a reasonably diligent effort to do so,

(4) Can no longer meet minimum qualifications for the position to which the list refers,

(5) Requests elimination from the list, or

(g) The director shall have the authority to prescribe the contents of job application forms. As part of the initial job application process he may make a determination whether the applicant meets certain minimum employment standards which by way of rules and regulations established by the commission shall be imposed upon all job applicants irrespective of the position applied for. The minimum employment standards may include, by way of example, a requirement that the applicant be literate in the English language or that the applicant shall never have been convicted of a felony. However, such standards must be reasonably job related so that they do not serve as a means of unlawful discrimination against job applicants on the grounds of race, color, religion, sex, age or national origin. An applicant who cannot meet all the minimum employment standards shall not be considered further for employment nor shall he be permitted to take employment tests with respect to a position until such time as he can meet the minimum employment standards.

(h) Any person, not an employee of the city, may appeal to the commission from a decision made under the authority of this section by the director or by the appointing authority, which decision is adverse to the party making the appeal or which is otherwise claimed to prejudice him.

(Ord. No. 2630, § 1; Ord. No. 2801, § 1)

Sec. 24-43. Reemployment.

The director shall maintain a register of employees who are entitled to reemployment as a matter of right, comprised of those persons who were discharged from city employment solely on the basis of a reduction in force. The register shall set forth the position which each employee thereon last held. Thereafter, the director shall recall to employment persons whose names appear on the list as appropriate vacancies occur. The commission shall, by rules and regulations established by it, determine the order in which employees shall be recalled to employment, which rules and regulations may be based upon respective performance evaluations, respective lengths of service, respective dates of discharge, or any combination of these. An employee who is eligible for recall as a matter of right shall not be recalled to fill a vacancy if a present employee of the city who is afforded preference to the position under 24-41 (b) is willing to fill the position. The commission, by rules and regulations, may provide for the removal of names from the reemployment register in the same manner and for the same reasons that names are removed from an eligibility list.

(Ord. No. 2630, § 1; Ord. No. 3175, § 1)

Sec. 24-44. Veterans' preference.

(a) Any applicant for a position who is a veteran of the armed forces to the United States who was not dishonorably discharged therefrom, and who served in such forces during a period of war, shall have five (5) points added to his test results provided for in 24-41(c) or 24-42(c), unless he is disabled by a service-connected disability, in which case he shall have ten (10) points added to the test results.

(b) "Period of war" means any of those time periods specified in NDCC 37-01-40.

(Ord. No. 2630, § 1; Ord. No. 3568, § 1)

Sec. 24-45. Nondiscrimination.

It is the policy of this city not to discriminate unlawfully against any person in regard to employment on the grounds of race, color, religion, sex, age or national origin.

(Ord. No. 2630, § 1)

Sec. 24-46. Special appointments.

(a) Not withstanding anything in sections 24-41 through 24-43 to the contrary, the appointing authority exercising his sole authority alone, may hire a person to fill a vacancy in any position as long as he does so subject to the limitations set forth in the following subsections.

(b) A person may be hired to fill a vacancy in any position as a provisional employee, that is, for a period of time consisting of not more than ninety (90) consecutive days. No person shall be hired as a provisional employee more than twice with respect to the same position.

(c) Nothing in this section shall be construed as allowing the appointing authority to disregard the minimum qualifications established for a particular position or to disregard the minimum employment standards established for all positions of city employment.

(d) Service with the city as a result of a special appointment pursuant to this section shall not be credited as a period of city employment for purposes of establishing pension rights, seniority rights, longevity pay increases, or any other right or benefit which is dependent in whole or in part upon length of service. Nor shall it be considered as part of a period of probationary employment except as provided in subsection (f).

(e) An employee holding a position by virtue of a special appointment under this section shall be treated as a probationary employee for purposes of dismissal, lateral transfer, or demotion.

(f) An employee appointed pursuant to this section, is not considered an employee for purposes of sections 24-41, 24-43, 24-62, 24-63, 24-64, 24-65, 24-66, 24-67, 24-68, 24-69, 24-70, Division 2 of Article VI, or section 24-113, except that if required to work on a holiday he shall be paid accordingly. However a person not already an employee who is appointed to a position pursuant to subsection (b) is considered an employee for purposes of the sections just mentioned when and if he secures a permanent appointment to the same position, with benefits to relate back to the date of the provisional appointment.

(Ord. No. 2630, § 1; Ord. No. 5683, § 4)

Sec. 24-47. Tenure; termination of employment.

(a) Employment with the city once initiated will continue until it is terminated pursuant to subsection (b) hereof.

(b) Employment with the city shall terminate on any one of the following grounds:

(1) The employee reaches mandatory retirement age;

(2) Before reaching the mandatory retirement age the employee dies or voluntarily quits city employment in order to retire or to pursue other employment;

(3) The employee is dismissed for the good of the service;

(4) The employee is dismissed as part of a reduction in force;

(5) The employee is dismissed for disciplinary reasons;

(6) The employee is dismissed because the position for which he was hired was a temporary position or otherwise one of limited duration;

(7) The employee is dismissed because the appointing authority is permitted under section 24-46 or section 24-48 to terminate the employment and he does so; or

(c) Dismissal pursuant to a reduction in force shall be made in accordance with section 24-50.

(d) Dismissal of employees holding a position by virtue of special appointment and of probationary employees shall be made in accordance with sections 24-46 through 24-48 respectively.

(e) Dismissals for disciplinary reasons shall be made in accordance with Article VI of this chapter.

(f) Dismissals for the good of the service shall be made in accordance with section 24-51.

(Ord. No. 2630, § 1)

Sec. 24-48. Probationary employment.

(a) Except as provided for in subsection (d) hereof, upon making an appointment to fill a vacancy, the appointing authority will establish a probationary period with respect to the particular person appointed to the position (hereinafter called the probationary employee or an employee in probationary status), which probationary period shall be set at six (6) months or twelve (12) months. Prior to the initial probationary period expiration, the probationary period may be extended by the appointing authority, but it shall not exceed eighteen (18) months. Probationary status shall also apply to those former non-career employees converted to full civil service status effective January 1, 2022 as adopted in the 2022 budget.

(b) During the probationary period the appointing authority may take the following actions with respect to the probationary employee:

(1) A new employee or a rehired former employee may be dismissed, laterally transferred or demoted;

(2) An employee who is in probationary status as a result of a voluntary lateral transfer or voluntary demotion may be laterally transferred;

(3) An employee who is a probationary employee as a result of a promotion may be demoted to a grade not less than the one occupied prior to promotion.

(c) The appointing authority may take the actions authorized in subsection (b) because in his sole judgment, which is not subject to review, there exists one of the following grounds for so doing:

(1) The job performance of the probationary employee is not satisfactory;

(2) The action is required as a part of a reduction in force;

(3) The action is required in order to provide a vacant position for another employee to fill who is being demoted for the good of the service or who is being demoted under this section;

(4) The employee fails a required post-employment physical examination; or

(5) There exists with respect to the probationary employee sufficient grounds which would warrant the dismissal or lateral transfer of the employee for disciplinary reasons if he were an employee who was not in probationary status.

(d) If an employee changes a position as the result of a lateral transfer or demotion as part of a reduction in force, or a lateral transfer or demotion for the good of the service, there shall be imposed no probationary period with respect to the employee in his new position, but rather further demotion, lateral transfer or dismissal shall be based upon there arising new grounds for a demotion, dismissal or lateral transfer which are independent from the grounds which gave rise to the original demotion or lateral transfer.

(e) An employee may rescind a voluntary lateral transfer or voluntary promotion during his probationary period and return to his former position:

(1) As a matter of right if the former position is vacant, or

(2) At the discretion of the appointing authority if the position is not vacant.

(Ord. No. 2630, § 1; Ord. No. 3430, § 1; Ord. No. 5683, § 5)

Sec. 24-49. Demotions.

(a) An employee shall be demoted only on the following grounds:

(1) Voluntary demotion;

(2) Demotion as part of a reduction in force;

(3) Demotion for the good of the service; or

(4) Demotions pursuant to section 24-48 pertaining to probationary employment or section 24-46 pertaining to special appointments.

(b) Voluntary demotions shall be made pursuant to the regulations authorized pursuant to 24-41(c).

(c) Demotions pursuant to a reduction in force shall be made in accordance with section 24-50.

(d) Demotions for the good of the service shall be made in accordance with section 24-51.

(Ord. No. 2630, § 1)

Sec. 24-50. Reduction in force.

(a) A reduction in force is a decrease in the number of city employees which is accomplished in a manner other than through a combination of natural attrition and limitations on hiring. Reductions in force shall be of two kinds, temporary and permanent.

(b) A temporary reduction in force results in the temporary layoffs of employees. That is, a laid-off employee is not dismissed from city employment but rather for a temporary period of time he is not called upon to perform work for the city, during which time he earns no pay. A laid-off employee shall be subject to recall to active employment upon not less than seven (7) days notice. Periods during which an employee is laid off pursuant to this subsection shall not be counted as periods of employment for purposes of determining pension rights and benefits, seniority or any other benefit dependent in whole or in part upon length of service, nor shall the period during which a worker is laid off count as part of a probationary period.

(c) A permanent reduction in force results in the permanent dismissal or permanent demotion of employees, or both. It may also involve lateral transfers.

(d) The appointing authority may implement a reduction in force whenever:

(1) A reduction is required because of fiscal reasons such as, for example, when there is an unanticipated shortfall in projected tax receipts or other revenues, or both, or when the amount budgeted in any one fiscal year for salaries is inadequate to maintain previously existing staff levels and to pay salaries in accordance with the applicable annual plan; or

(2) Whenever there is insufficient worthwhile work to keep all members of the city work force fully occupied.

(e) Whenever the number of available positions in a table of organization is reduced, or city council approval of a particular job description is withdrawn, in such a manner that one or more employees becomes redundant, the appointing authority shall accomplish an appropriate reduction in force to eliminate the redundancy.

(f) The commission shall establish rules, regulations and procedures to govern the order of temporary layoffs. The rules shall address such matters as whether layoffs and recalls shall be made on the basis of comparative lengths of service, or comparative performance evaluations, or both. At a minimum the rule shall provide that with respect to employees sharing the same job description layoffs shall occur in the following order, to wit, employees holding a position by a special appointment under section 24-46, probationary employees, all other employees.

(g) The order in which employees are dismissed, demoted, or laterally transferred as part of a permanent reduction in force shall be established by the commission through appropriate rules and regulations. However, at a minimum, the rules and regulations shall observe the following principles:

(1) To the extent feasible the reduction in force shall be accomplished by demotions and lateral transfers in preference to dismissals;

(2) If the question should arise with respect to two (2) or more employees who share the same job description or the same classification grade as to the order in which they are to be dismissed, demoted, or transferred, the decision shall be based upon the employees' comparative length of service, and if these should prove to be equal, then the decision should be based upon the employee's comparative performance evaluations, except that a permanent employee shall displace a probationary employee in the same job description, notwithstanding the fact that the probationary employee may have superior performance evaluations or greater length of service;

(3) Demotions and lateral transfers shall be only of the following types which are listed hereafter in decreasing order of preference:

a. A lateral transfer to a preexisting vacancy in a permanent position;

b. A lateral transfer to a position in the same department wherein the employee served immediately prior to the transfer, or to a position formerly held by the employee in another department, if the incumbent thereof is subject to displacement by the transferred employee under the principles set forth in subparagraph (2) above;

c. A demotion to the highest position within the department in which the demoted employee served immediately prior to his demotion from which the incumbent is subject to displacement by the demoted employee under the principles set forth in subparagraph (2) above, unless the demoted employee would be entitled to a position with a higher classification pursuant to d below, in which case d shall govern;

d. A demotion to the highest position formerly held by the demoted employee in a department other than the department wherein the demoted employee served immediately prior to the demotion, from which the incumbent is subject to displacement by the demoted employee under the principles set forth in subparagraph (2) above;

e. A demotion or lateral transfer to a special appointment position as described in section 24-46 even though the incumbent thereof is displaced;

(4) If in the course of applying the principles set forth in subparagraph (3) above it should appear that two (2) or more employees are eligible for a position by virtue of a lateral transfer or demotion thereto, then the decision as to which of these employees shall obtain the position shall be made on the basis of the principles set forth in subparagraph (2) above;

(5) No person shall be demoted or laterally transferred to a position for which he does not meet the minimum requirements set forth in the job description pertaining to that position as of the time of the demotion or transfer.

(h) As long as he observes the rules and regulations provided for in subsection (f) and subsection (g), and subject to budgetary constraints, the appointing authority in implementing a permanent or temporary reduction in force shall have the discretion to determine how and to what extent the reduction in force shall be spread across the various departments of city government. However if the city council has as part of a mandated reduction in force prescribed a specific table of organization to be achieved, or if the city council has specifically abolished certain positions by limiting the number thereof or by withdrawing the approval of the job description pertaining thereto, the appointing authority shall implement the action taken by the city council.

(i) Nothing in this section shall be construed as prohibiting the city council from directing or the appointing authority from accomplishing on his own authority a decrease in the number of employees through natural attrition combined with restrictions on the hiring of new employees.

(Ord. No. 2630, § 1)

Sec. 24-51. Demotion, lateral transfer or dismissal for the good of the service.

(a) An employee may be dismissed, laterally transferred or demoted for the good of the service on any one or more of the following grounds:

(1) He suffers from mental or physical disability, or both, to such an extent that he can no longer adequately fulfill the duties of his position;

(2) The employee no longer maintains the necessary technical credentials or minimum qualifications required with respect to the position which he holds; or

(3) The employee is unable or unwilling to satisfactorily discharge the duties of his position.

(b) The appointing authority shall make the initial determination whether a dismissal, lateral transfer, or demotion for the good of the service should be ordered with respect to the particular employee. Before ordering such action he will meet with the employee and explain to him the nature of the action to be taken and the reasons for such action. If requested he shall provide the employee with adequate time in which to prepare an argument or explanation as to why the proposed action is inappropriate, to which statement he will give careful consideration before taking final action. If the appointing authority proceeds with dismissal, demotion, or lateral transfer the affected employee has the right to request that the commission consider the matter anew at a hearing held for that purpose. At such hearing the appointing authority will have the burden with going forward with the evidence and the burden of persuasion with respect to whether there are adequate grounds for dismissal, lateral transfer, or demotion under this section. The commission shall either affirm or reverse the decision of the appointing authority but it may not modify the decision, such as, for example, by ordering demotion in lieu of dismissal.

(c) Any demotion ordered by the appointing authority shall only be made if it can be made by filling a pre-existing vacancy and then only if it can be made in conformity with the rules established under the authority of section 24-41(c), or alternatively if it can be made with respect to a position which is occupied by a probationary employee or special appointment employee as described in section 24-46. Otherwise the appointing authority shall order dismissal.

(d) To the extent permitted under law a decision by the commission under subsection (b) shall be final and not subject to review by any court of law.

(Ord. No. 2630, § 1)

Sec. 24-52. Nepotism.

(a) Notwithstanding anything in this chapter to the contrary, no person shall be appointed to a position if he is related to a person in the employment of the city who would have immediate supervisory authority over, or who would be immediately supervised by him if he were appointed to the position.

(b) Relationship shall mean mother, father, grandmother, grandfather, sister, brother, spouse, mother-in-law, father-in-law, sister-in-law, brother-in-law, step-mother, step-father, step-sister, step-brother, son or daughter.

(c) Nothing herein is to be construed as requiring or permitting the dismissal of an employee by virtue of subsection (a) if the disqualifying relationship first comes about or occurs after the employee is appointed to a position with the city and while he is employed by the city.

(Ord. No. 2630, § 1)

Sec. 24-53. Promotional ladders.

Notwithstanding anything in this chapter to the contrary, the commission may approve the interconnection of related job descriptions into a "promotional ladder" whereby an employee in one position in the ladder may progress to a higher position in the ladder without competing against other applicants for that position. An example of such a promotional ladder is the progression from police patrolman to senior police patrolman. The commission shall establish rules and regulations to govern the use of promotional ladders which at a minimum shall provide that progression up the ladder is dependent upon satisfactory job performance as determined by the employee's department head, who shall have the sole discretion to make that determination, and which rules and regulations may provide that the employee pass certain competency tests prescribed by the commission.

(Ord. No. 2630, § 1)

Sec. 24-54. Performance evaluations.

(a) The commission shall by appropriate rules and regulations establish a system of performance evaluations for the employees in the service in accordance with the following principles:

  (1) The standards for evaluation shall include the quality and quality of work performed as well as the efficiency attained in performing the work;

  (2) There shall be established a numerical rating system for each aspect of an employee's performance which is separately evaluated;

  (3) An employee shall be evaluated at least once per year except for probationary employees who shall be evaluated at least once every three (3) months.

(b) Performance evaluations shall be made a permanent part of the personnel file of the subject thereof. He may inspect his performance evaluations and may append comments thereto by way of explanation, rebuttal, statement of disagreement, and the like.

(Ord. No. 2630, § 1)

Secs. 24-55—24-60. Reserved.

ARTICLE VI. IN SERVICE REGULATIONS

DIVISION 1. IN GENERAL

Sec. 24-61. In service regulations established by commission.

(a) The commission shall establish rules and regulations pertaining to all matters of personnel policy including specifically the terms and conditions of employment, unless with respect to a particular subject matter:

(1) The subject matter is set forth or otherwise governed by way of ordinance; or

(2) The city manager has delegated to department heads the authority to set policy on a departmental basis with respect to the subject matter.

(b) However nothing in this section is to be construed as prohibiting the commission from promulgating rules and regulations to supplement an ordinance when:

(1) The rule of law set forth in the ordinance is not sufficiently comprehensive to govern in all instances; or

(2) When the ordinance is ambiguous and in need of interpretation in order to be enforced.

(Ord. No. 2630, § 1)

Sec. 24-62. Hours of work.

The regular hours of work shall be established by the department head provided that the department head shall not schedule more than forty (40) regular hours of work in the seven-day work cycle from 12:01 a.m. Sunday through 12 midnight Saturday except that the hours of work for fire department personnel on shift duty whose hours of work shall be the average of fifty-six (56) hours per week based on a twenty-eight-day work cycle. Departments shall maintain accurate daily records of employee attendance and hours of work and shall provided these records to the director as required.

(Ord. No. 2630, § 1)

Sec. 24-63. Leave policy in general.

The following types of leave are hereby established for employees: Annual leave, sick leave, maternity leave, holidays, military leave, jury duty, bereavement, and leave without pay. Leaves may be granted by the department head in accordance with the rules established by the commission for each type of leave. The director shall maintain a record of the absences as submitted by the department heads. Each absence from duty of an employee shall be reported by the department head to the director on prescribed forms.

(Ord. No. 2630, § 1)

Sec. 24-64. Annual leave.

(a) Annual leave with pay shall accrue to each full-time employee as follows: 1.166 days for each full month of service; 1.416 days per month accrual after five (5) years of service; 1.666 days per month accrual after ten (10) years of service; 1.916 days per month accrual after fifteen (15) years of service. Three hundred (300)

hours maximum vacation accrual. Leave for non-career designated part-time employees shall be prorated to the hours worked.

(b) Annual leave shall accrue from the date of initial employment and shall be taken by the employee at such time or times as the head of the department may designate.

(c) Annual leave accrued during the calendar year may be carried forward as accumulated leave provided that such accumulated leave shall in no case exceed a total of three hundred (300) hours. Because vacation leave is granted employees for a period of recreation, no employee shall waive such leave for the purpose of receiving double compensation. Sundays, Saturdays and holidays shall not be counted against a requested vacation period.

However, due to the COVID-19 pandemic during 2020, full time employees of the city are hereby authorized, on a temporary basis for a period of one (1) year commencing on December 31, 2020, and terminating on December 31, 2021, to accumulate and use annual leave hours exceeding the accrual maximum of three hundred (300) hours, with the explicit provision that after December 31, 2021, any accumulated annual leave hours of full time city employees exceeding the three hundred (300) hours may not be compensated for, carried forward, or used by the full time employee after that date.

(d) In addition to the annual leave provided elsewhere in this section, each full-time employee, who has been an employee of the city for at least one (1) year, shall be entitled to eight (8) hours of personal annual leave each calendar year, which leave, if not availed of by the employee before the end of the calendar year, shall expire and shall not be carried over to a succeeding year or otherwise compensated for. It shall be taken by the employee at such time or times as the head of the department may designate.

(Ord. No. 2630, § 1; Ord. No. 2784, § 1; Ord. No. 3471, § 2(b); Ord. No. 4448, § 1, 12-5-11; Ord. No. 5328, § 1; Ord. No. 5548, § 1)

Sec. 24-65. Sick leave—Accrual.

(a) Sick leave with pay shall accrue to each full-time employee as follows: One day accrual per month service. Sick leave for part-time employees shall be prorated in proportion to the hours worked.

(b) Requests for such sick leave shall be subject to such investigation as the director deems necessary including an investigation before or after the grant of sick leave to determine if the grant is or was warranted. Sick leave shall accrue from the date of initial employment but shall not be credited until completion of the probationary period. Sick leave which has been accrued and not used, may be carried forward to the following calendar year.

(Ord. No. 2630, § 1)

Sec. 24-66. Same—Grant in advance.

Sick leave in advance cannot be granted except in cases of serious disability or ailments considered together with the exigencies of the situation and then not for a period of more than thirty (30) days. Sick leave granted in advance shall be deducted from sick leave which subsequently accrues when the employee returns to work. If an employee terminates employment with a deficit in accrued sick leave such deficit shall be charged against accrued vacation time and, if that is not sufficient, against wages due.

(Ord. No. 2630, § 1)

Sec. 24-67. Bereavement.

In the event of a death in the immediate family of an employee a period of three (3) consecutive working days shall be granted to attend the funeral of the deceased. A total of two (2) additional consecutive working days may be granted for travel if the funeral is of a distance greater than three hundred (300) miles from the City of Minot. Immediate family shall include the employee's mother, father, grandmother, grandfather, sister, brother, spouse, child, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, step-mother, step-father, step-sister, step-brother, or any other relative who is actually living in the same household of the employee. A day taken off from work under this section shall be treated as a sick leave day.

(Ord. No. 2630, § 1; Ord. No. 3872, § 1)

Sec. 24-68. Jury leave.

In the case of jury duty, an employee shall receive an amount which will equal the employee's regular rate of pay when added to the compensation he receives for jury duty, or the employee may have the option of taking annual leave and retain the amount received for jury duty.

(Ord. No. 2630, § 1)

Sec. 24-69. Maternity leave.

(a) Employees are eligible for maternity leave under the sick leave policy. For purposes of this policy delivered pregnancies, or miscarriages, are viewed as medical reasons and as such are treated as other medical reasons in terms of sick leave.

(b) Pregnant employees are encouraged to report the existence of pregnancy. A pregnant employee who is medically disabled from the performance of her duties must be treated the same as any other employee similarly disabled insofar as sick leave benefits are concerned.

(Ord. No. 2630, § 1)

Sec. 24-70. Holidays.

(a) The following holidays shall be observed by employees of the city:

New Year's Day—January 1

Martin Luther King Jr./Civil Rights Day—3rd Monday in January

President's Day—3rd Monday in February

Good Friday—Various dates

Memorial Day—Last Monday in May

Independence Day—July 4

Labor Day—1st Monday in September

Veteran's Day—November 11

Thanksgiving Day—4th Thursday in November

Christmas Holiday—The **bolded/underlined** days/dates below shall encompass the entire observed Christmas Holiday, depending on the day of the week Christmas Day falls, and no additional days shall be treated as the Christmas Holiday:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
25 Dec	**26 Dec**	27 Dec	28 Dec	29 Dec	23 Dec	24 Dec
24 Dec	**25 Dec**	**26 Dec**	27 Dec	28 Dec	29 Dec	23 Dec
23 Dec	**24 Dec**	**25 Dec**	26 Dec	27 Dec	28 Dec	22 Dec
29 Dec	23 Dec	**24 Dec**	**25 Dec**	26 Dec	27 Dec	28 Dec
28 Dec	22 Dec	23 Dec	24 Dec	**25 Dec**	**26 Dec**	27 Dec
27 Dec	21 Dec	22 Dec	23 Dec	**24 Dec**	**25 Dec**	26 Dec
26 Dec	20 Dec	21 Dec	22 Dec	23 Dec	**24 Dec**	25 Dec

Employees shall be allowed time off to vote on state general election days.

(b) The city hall shall be closed in observance of all holidays and employees of the city shall, except for essential service which must be provided, not work upon holidays. Where an employee, because of the nature of his service is required to work on a holiday, compensation time or extra pay will be provided in accordance with the rules and regulations established by the commission, which rules may provide for treating managerial personnel differently from other personnel.

(Ord. No. 2630, § 1; Ord. No. 5023, § 1; Ord. No. 5329, § 1)

Sec. 24-71. Leave without pay.

(a) Leave without pay may be granted to any employee for any reason considered sufficient by the appointing authority, for a period not exceeding six (6) months. Request for such a leave shall be submitted in writing, stating:

(1) The reason why such leave should be granted;

(2) The effective date of the beginning of the leave; and

(3) The probable date of return.

(b) The leave shall be granted only when it is determined that it will not interfere with the normal operation of the city's business. Employees failing to return to duty upon completion of a leave of absence without pay, shall be considered to have voluntarily terminated their employment with the city.

(Ord. No. 2630, § 1)

Sec. 24-72. Military leave.

(a) All employees who are ordered into or who volunteer for service in the armed forces of the United States may obtain leave without pay and shall suffer no loss of position or seniority if honorably discharged and if physically and mentally suitable for reinstatement, provided such employee reports for duty within ninety (90) days after discharge without disability, or within two (2) years of his discharge should he have been incapacitated during service.

(b) The employee shall be given every reasonable opportunity to take promotional tests, shall be granted vacation and sick leave within the current calendar year prior to leave-taking proportionate to the time for

which he was actually employed by the city during the year prior to leave-taking and in all other respects retain all civil service rights.

(c) Notwithstanding anything to the contrary in section 24-48 all appointments made to positions vacated under this section shall be deemed to be probationary until the time provided in subsection (a) in which the prior incumbent can reclaim the position expires.

(d) Military training leave shall be in accordance with state law.

(Ord. No. 2630, § 1)

Sec. 24-73. Expenses of employees.

Employees actual and necessary expenses shall be provided for in the annual budget and shall be reimbursed to employees at the rates and amounts provided for by council resolution. The procedure for reimbursement shall be established by the commission which procedure at a minimum shall provide that disbursement of expense funds must be approved by the city auditor on an individual basis with respect to each employee.

(Ord. No. 2630, § 1)

Sec. 24-74. Reserved.

Sec. 24-75. Certain political activities prohibited.

(a) No employee shall:

(1) Use his official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;

(2) Directly or indirectly coerce, attempt to coerce, command, or advise a municipal officer or employee to pay, lend, or contribute anything of value to a party, committee, or organization, agency, or person for political purposes;

(3) Be a candidate for elective governmental office;

(4) Engage in "political activities" (as that term is defined in NDCC 39-01-04) while on duty or in uniform; or

(5) Actively campaign on the behalf of those seeking city council or mayoral office.

(b) (1) Nothing herein shall prohibit any employee from being a candidate in any election for an office if none of the candidates for that office is to be nominated or elected at such election as representing a party, any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected.

(2) Paragraph (1) of this subsection (b) shall not apply to City of Minot municipal elections.

(Ord. No. 2630, § 1)

Sec. 24-76. Political solicitations from employees prohibited.

No employee shall orally, by letter or otherwise, solicit or in any manner be concerned with soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any other employee over whom he exercises a supervisory capacity or other official influence.

(Ord. No. 2630, § 1)

Sec. 24-77. Certain political activities authorized.

Except as provided in sections 24-75 and 24-76 nothing in this chapter shall be construed to prevent any employee from becoming or continuing to be a member or officer of a political club or organization, from attendance at a political meeting, from contributing to or otherwise supporting candidates of his choice, or from enjoying entire freedom from all interference in casting his vote or favoring candidates.

(Ord. No. 2630, § 1)

Sec. 24-78. Use of city credit cards.

(a) *Definition.* As used in this section, "credit card" means a card or device issued under an arrangement pursuant to which the issuer gives to a cardholder the privilege of obtaining credit from the issuer.

(b) *Issuance, use and control of credit cards.* The finance department shall implement the following system for the distribution, authorization and control, credit limits and payment of bills related to the use of credit cards by city officials and employees.

(1) *Distribution.* Credit cards will be distributed to each department head requesting a card for their department. The city manager and finance director will have a card available for city official travel.

(2) *Authorization and control.* The finance department shall develop the implementation guidelines and accounting controls to ensure the proper usage of credit cards and credit card funds. Such controls shall include a requirement that each city official or employee authorized to use a city credit card must execute an agreement acknowledging and agreeing to applicable guidelines and controls and consenting to a payroll deduction or deductions, including specific authorization in writing that may be required at the time the deduction is made, that is necessary to recover any unauthorized purchases or expenditures if the official or employee fails or refuses to promptly reimburse the city for such charges or expenditures.

(3) *Credit limits.* The finance department shall set credit limits on each credit card issued. The credit limit shall not exceed five thousand dollars ($5,000.00) per purchase for materials and services and shall only be used as a last resort. The credit limit shall not exceed five thousand dollars ($5,000.00) per trip for travel.

(4) *Payment of bills.* The finance department shall establish and implement a written procedure for the payment of all credit card bills.

(5) *Unauthorized charges.* A city official may not use a city-issued credit card for any purchase or expenditure other than authorized city purchases or expenditures. Any employee or city official who uses a city-issued credit card for any purchase or expenditure other than authorized city purchases or expenditures shall be billed for all unauthorized charges on the credit card and the city manager or finance director or their designee is directed and authorized to make payroll deductions to recover any unauthorized charges. Any unauthorized use by a city official or employee of the city-issued credit card may result in termination from the city or other discipline.

(6) *Cash advances.* Cash advances on credit cards are prohibited.

The finance department is authorized to adopt any additional procedures or policies necessary to implement the provisions of this section.

(Ord. No. 2630, § 1; Ord. No. 4950, § 1)

Editor's note(s)—Ord. No. 4950, § 1, adopted April 6, 2015, changed the title of § 24-78 from "Use of credit cards by employees prohibited" to read as herein set out.

Secs. 24-79—24-100. Reserved.

DIVISION 2. GRIEVANCE PROCEDURE

Sec. 24-101. Grievance procedure established.

The city manager shall issue rules and regulations necessary to establish a grievance procedure whereby any employee who is adversely affected by a decision of his immediate or remote supervisor may require that the decision be reviewed by a person having the authority to reverse the decision. The rules and regulations may provide that a grievance is pursued up the chain of administrative command, culminating in a decision by the city manager, or alternatively it may provide that the employee holding a particular identified position shall have the authority to hear and determine grievances on an administrative level. At a minimum the regulations shall provide that the director shall assist an employee, if requested by the employee, in complying with the technical formalities and requirements of the grievance procedure and that the employee presenting a grievance shall be entitled to be represented and assisted by any person, including a fellow employee, who is willing to do so.

(Ord. No. 2630, § 1)

Sec. 24-102. Commission final authority on grievances.

If after completing the procedure for the administrative determination of grievances provided for in section 24-101, the employee having the grievance is still dissatisfied with the administrative action taken, if any, with respect to his grievance, he may present the matter to the commission for its review which shall be final and not subject to further review by any court of law.

(Ord. No. 2630, § 1)

Sec. 24-103. Standard of review.

The person or persons hearing and determining a grievance pursuant to the authority of section 24-101, or the commission acting pursuant to the authority of section 24-102, shall have the full power and authority to reverse or to modify, as well as to affirm, a decision giving rise to a grievance if he or it concludes that the decision is based upon a misinterpretation or misunderstanding of applicable constitutional principles, both state and federal, or of North Dakota statutory provisions, or of ordinances, regulations, rules, formal procedures, or formal statements of policy of the City of Minot. However if the decision which gives rise to a grievance is a decision which involves the exercise of a discretionary judgment on the part of the person making the decision, and it fairly appears that the person making the decision has been entrusted with or delegated the power to exercise his discretion in making such a decision, then the decision shall be reversed only in the event there is a demonstrated abuse of discretion, on which issue the grieving employee shall have the burden of persuasion.

(Ord. No. 2630, § 1)

Sec. 24-104. Grievance procedure limited.

Notwithstanding anything in this division to the contrary, if this chapter elsewhere provides that a decision affecting an employee is to be reviewed in a certain manner, such as is provided in Article V with respect to the

dismissal or demotion of an employee for the good of the service, for example, then such other procedure shall be exclusive so that the grievance procedure of this division is inapplicable.

(Ord. No. 2630, § 1)

Secs. 24-105—24-110. Reserved.

DIVISION 3. EMPLOYEE DISCIPLINE

Sec. 24-111. Disciplinary regulations.

The commission shall establish disciplinary regulations. These regulations will be of two (2) types, the first type being substantive regulations which set forth the type of behavior which is either prohibited or required on the part of an employee, the breach or nonobservance of which by the employee may form the basis for disciplinary action against him. For example, the regulations may prohibit insubordination, chronic tardiness, making false claims or reports, etc. The second type shall constitute procedural rules with respect to the imposition of discipline. At a minimum the procedural rules of discipline shall provide that the employee's constitutional rights of due process are observed, particularly including the principle that no employee shall be subject to punishment for behavior which is not reasonably identified in the substantive rules of discipline as being the sort of behavior which can give rise to disciplinary action. Moreover the rules and regulations shall provide that with respect to all disciplinary actions taken against an employee, there shall be a right of appeal by the employee to the city manager, or alternatively, that before disciplinary punishment is imposed with respect to an employee the city manager must concur that there are adequate grounds therefor and that the punishment to be imposed is appropriate under the circumstances.

(Ord. No. 2630, § 1)

Sec. 24-112. Allowable disciplinary punishments.

(a) Employees may be subject to any one or more of the following disciplinary punishments in accordance with the rules and regulations authorized under section 24-111:

  (1) Dismissal;

  (2) Lateral transfer;

  (3) Suspension without pay;

  (4) A temporary decrease in pay in an amount not to exceed twenty (20) per cent of the amount of gross pay which the employee would be receiving in the absence of disciplinary punishment for a period of time not to exceed one hundred eighty (180) consecutive calendar days;

  (5) Adjustment in performance evaluations; or

  (6) A letter of reprimand to be included in the employee's personnel file.

(b) A lateral transfer for disciplinary reasons may only be made to a preexisting vacancy and then only in accordance with the rules promulgated under the authority of section 24-41(c).

(Ord. No. 2630, § 1)

Sec. 24-113. Review by the commission.

(a) An employee who has been subjected to disciplinary action resulting in the imposition of disciplinary punishment may appeal to the commission. The commission shall have the authority to reverse the determination that there is cause to impose disciplinary punishment, and may remit the punishment, or it may find that there are grounds for imposing disciplinary punishment but that the punishment imposed should be modified, in which case it shall so order.

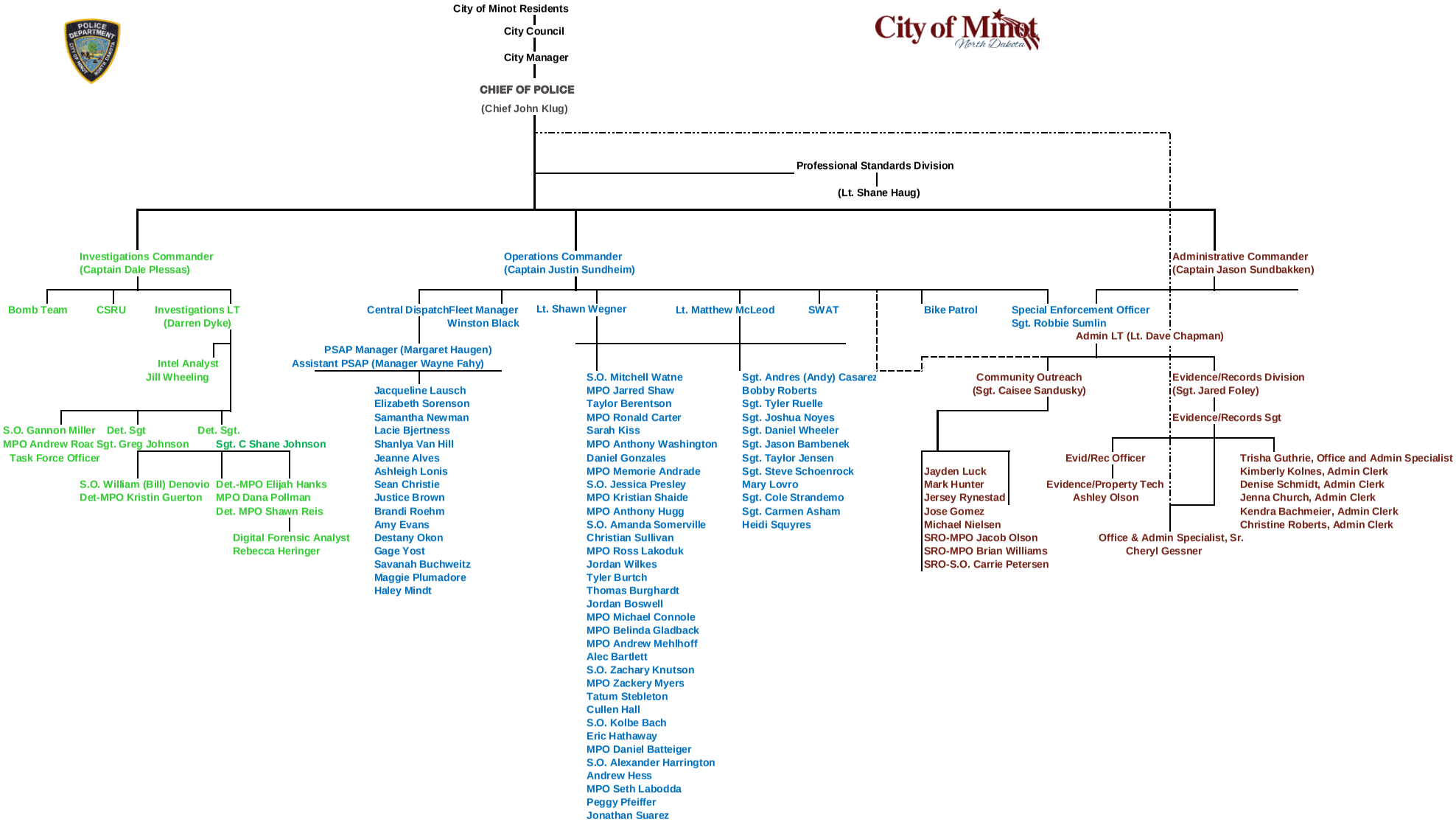
(b) The procedures whereby an employee may appeal to the commission from an adverse decision with respect to whether disciplinary action should be taken against him, which disciplinary action has led to the imposition of disciplinary punishment, shall be identical to the procedures involved in presenting a grievance to the commission, except that in all respects the appointing authority shall have the burden of going forward with evidence and the burden or persuasion with respect to the factual issues which arise, which issues will be determined by the commission de novo. Furthermore, once the commission has arrived at a decision the employee shall be considered to have exhausted his administrative remedies for purposes of applying the legal doctrine which requires the exhaustion of administrative remedies as a prerequisite to judicial review. To the extent permitted under the general law of the state the decisions of the commission under this division shall be subject to judicial review.

(Ord. No. 2630, § 1)

Secs. 24-114—24-147. Reserved.

ARTICLE VII. EMPLOYEES' PENSION PLAN[2]

[2]Editor's note(s)—Ord. No. 4247, adopted Jan. 11, 2010, repealed the former Art. VII, §§ 24-148—24-156, 24-158—24-161, and 24-171—24-181, in its entirety. Former Art. VII pertained to employees' pension plan and derived from Ord. No. 4131, adopted July 7, 2008. Section 1 of Ord. No. 4247 states, "Ordinance No. 4131 and all previous Ordinances addressing the Employees' Pension Plan and the Former Police Pension Plan are now governed by City of Minot, North Dakota Pension Plan (2009 Restatement) and subsequent amendments, which 2009 Restatement Plan is incorporated by reference as part of this Ordinance and is maintained under separate cover in the City Clerk's Office effective January 1, 2009."


City of Minot Residents
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Professional Standards Division
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Investigations Commander
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Bomb Team
CSRU
Investigations LT
(Darren Dyke)
Intel Analyst
Jill Wheeling
S.O. Gannon Miller
MPO Andrew Roac
Task Force Officer
Det. Sgt
Sgt. Greg Johnson
Det. Sgt.
Sgt. C Shane Johnson
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Det-MPO Kristin Guerton
Det.-MPO Elijah Hanks
MPO Dana Pollman
Det. MPO Shawn Reis
Digital Forensic Analyst
Rebecca Heringer
Operations Commander
(Captain Justin Sundheim)
Central Dispatch
Fleet Manager
Winston Black
Lt. Shawn Wegner
Lt. Matthew McLeod
SWAT
Bike Patrol
Special Enforcement Officer
Sgt. Robbie Sumlin
PSAP Manager (Margaret Haugen)
Assistant PSAP (Manager Wayne Fahy)
Jacqueline Lausch
Elizabeth Sorenson
Samantha Newman
Lacie Bjertness
Shanlya Van Hill
Jeanne Alves
Ashleigh Lonis
Sean Christie
Justice Brown
Brandi Roehm
Amy Evans
Destany Okon
Gage Yost
Savanah Buchweitz
Maggie Plumadore
Haley Mindt
S.O. Mitchell Watne
MPO Jarred Shaw
Taylor Berentson
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Peggy Pfeiffer
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Sgt. Andres (Andy) Casarez
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Mary Lovro
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Sgt. Carmen Asham
Heidi Squyres
Admin LT (Lt. Dave Chapman)
Community Outreach
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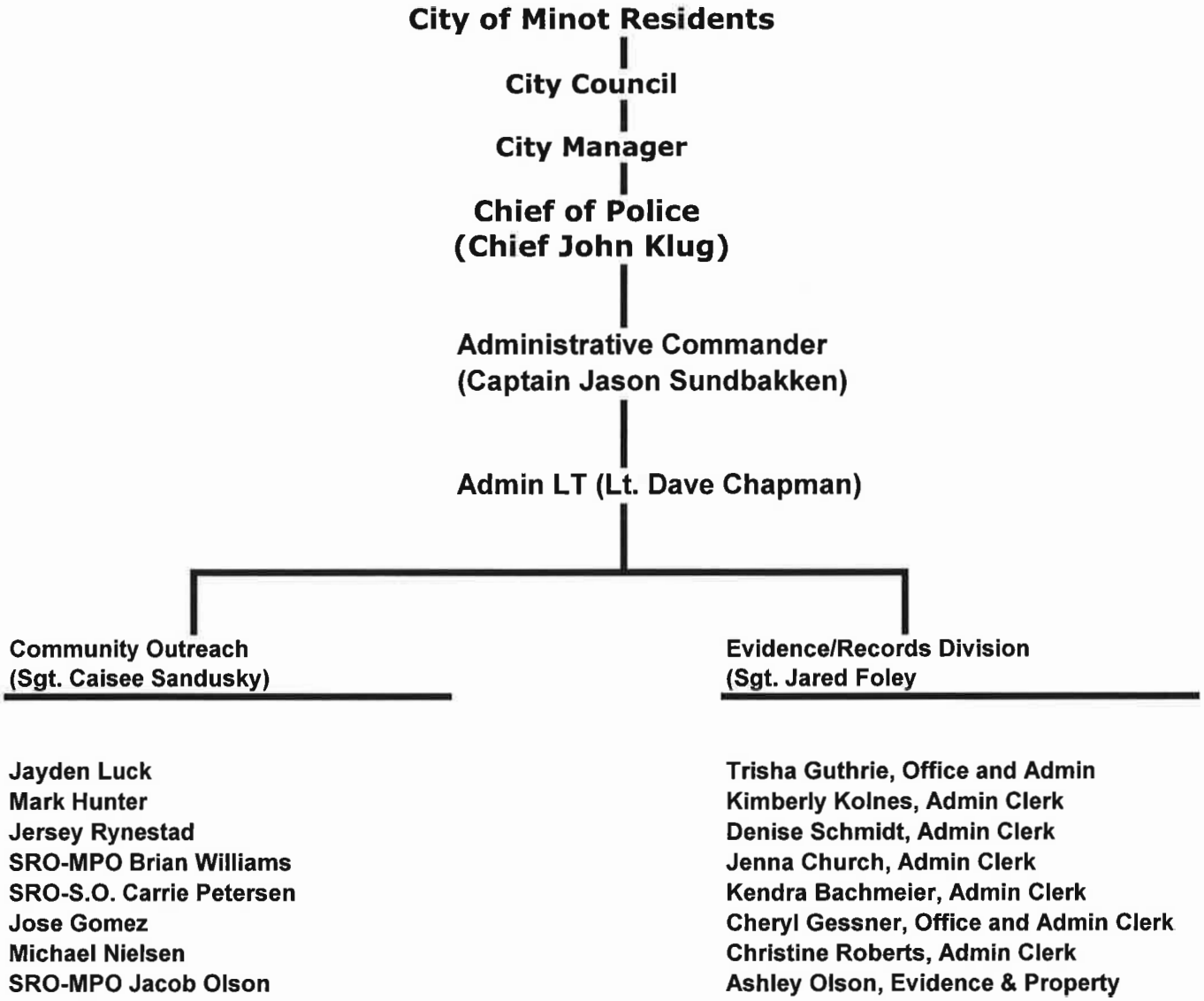
Evidence/Records Sgt
Evid/Rec Officer
Evidence/Property Tech
Ashley Olson
Office & Admin Specialist, Sr.
Cheryl Gessner
Trisha Guthrie, Office and Admin Specialist
Kimberly Kolnes, Admin Clerk
Denise Schmidt, Admin Clerk
Jenna Church, Admin Clerk
Kendra Bachmeier, Admin Clerk
Christine Roberts, Admin Clerk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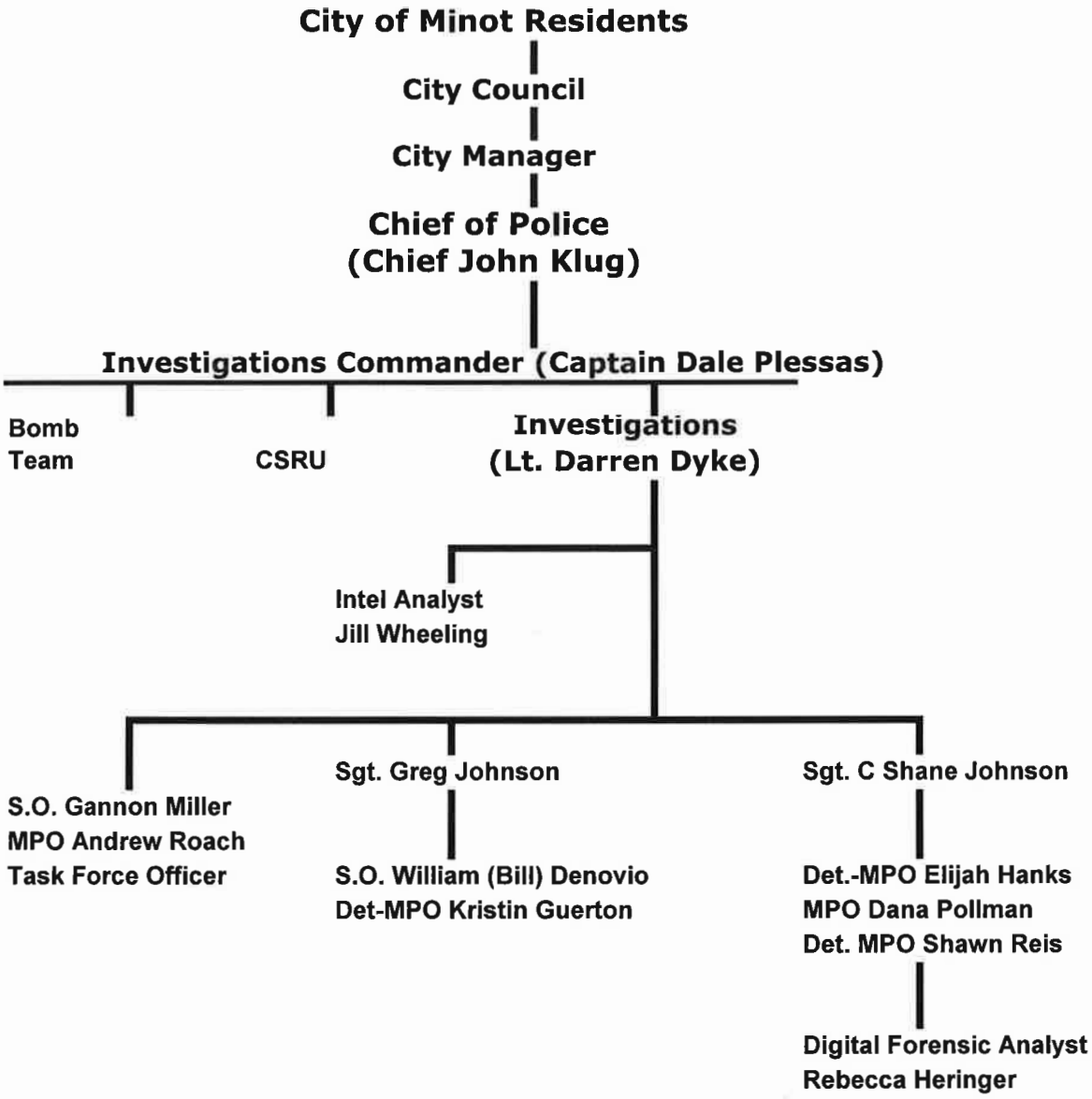
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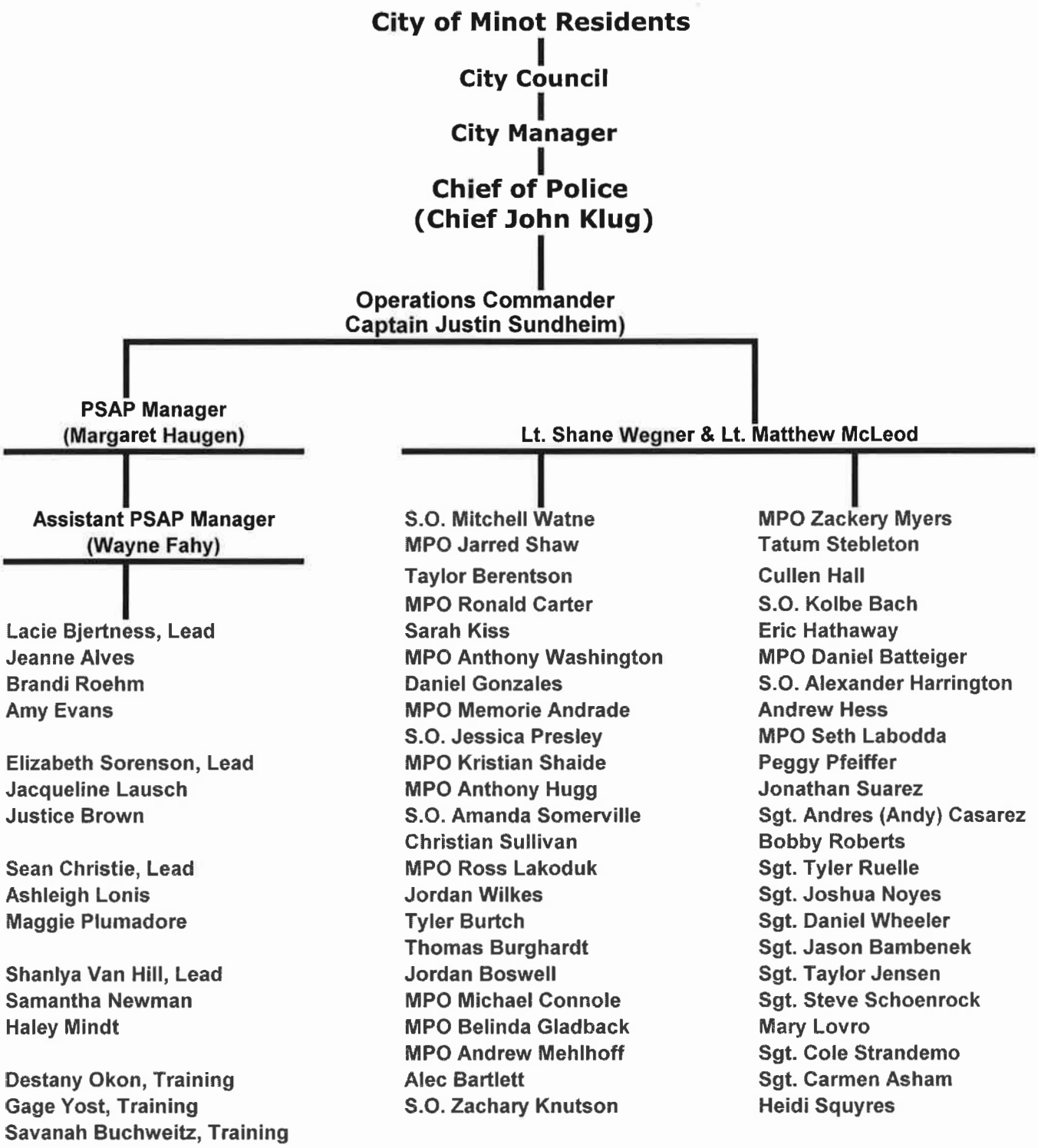
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Sgt. Steve Schoenrock
Mary Lovro
Sgt. Cole Strandemo
Sgt. Carmen Asham
Heidi Squyres

DAY SHIFT 0730-1730

Oct 6 - Nov 2, 2024

Mehlhoff	**	406
Washington	***	411
Shaw		433
Carter		451
Hugg	*	429
Batteiger	***	437
Presley	**	444
Wilkes	***	457
Burghardt	*	461
Sullivan	***	463
Berentson	*	466
Kiss	**	468
Gomez (FTO)		474
0800-1200 OFFICER TOTAL		
0800-1200 SUPPLEMENTAL		
Sgt Schoenrock	*	301
Sgt Ruelle	**	303
Sgt Asham	***	315
0730-1200 SUPERVISORS		
0800-1200 TOTAL		

ACO Roberts	1430-2230	500
ACO Lovro	0700-1500	501
PCO Squyres	0800-1600	502

AFTERNOON SHIFT 1200-2200

Oct 6 - Nov 2, 2024

Shaide	*	**428**
Watne	*	**438**
Connole	*	**454**
Sgt Noyes	*	**308**

1200-1700 OFFICERS	
1200-1700 SUPERVISORS	
1200-1700 TOTAL PERSONNEL	

EVENING SHIFT 1700-0300

Oct 6 - Nov 2, 2024

Labodda	**	**436**
Somerville	*	440
Knutson	**	448
Harrington	*	449
Hess	*	458
Boswell	**	460
Suarez	*	462
Gonzales	**	465
Bartlett	*	467

1700-2200 OFFICERS		
1700-2200 SUPPLEMENTAL		
Sgt Wheeler	*	**304**
Sgt Jensen	**	**313**
1730-2200 SUPERVISORS		
1700-2200 TOTAL PERSONNEL		

2200-0300 OFFICERS	
2200-0300 SUPERVISORS	
2200-0300 TOTAL PERSONNEL	

NIGHT SHIFT 2200-0800

Oct 6 - Nov 2, 2024

Lakoduk	*	407
Gladback	**	418
Andrade	***	425
Myers	***	434
Bach	*	447
Carter	***	451
Burtch	**	453
Hall	**	459
Stebleton	*	470
Pfeiffer	**	471
Hathaway	*	472
Gomez (FTO)		474
0300-0730 OFFICER TOTAL		
0300-0730 SUPPLEMENTAL		
Sgt Bambenek	*	306
Sgt Strandemo	**	309
Sgt Casarez	***	316
0300-0730 SUPERVISORS		
0300-0800 TOTAL PERSONNEL		

[redacted]

Officers/Dispatchers spoken with:

Aaron Bowles (former MPD officer – 13 yrs LE, 4 with Minot PD)

Aaron Moss (19yr PD officer, retired early took other job because of issues within department)

Alex Nelson (prior MPD officer, moved to Fargo PD)

Barb McPeak (32 years dispatch, PSAP for 4 years)

Christian Vorgitch (prior Minot dispatcher)

Erik Laudenschlager (former MPD)

Heather Summers (former MPD detective)

Jacob Olson (Current SO)

Jared Foley (current Sgt.)

Jenna Bjork (11 yr PD officer – left depart because of issues within department)

Jenna Hunt (Dispatcher)

Josh Noyes (current Sgt.)

Kenton Kassan (16 yr Officer, 5 with PD, 8 with NDHP and 2 with Bottineau County now)

Kevin Cory

Kristian Shaide (current SO)

Krysta Becker (no longer with dept. with Ward County)

Nicole Brasfield (prior Ward County Deputy – spoke mainly about dispatch issues)

Nicole Rivera (prior Minot dispatcher)

Steve Schoenrock (current Sgt.)

Tony Hugg (Current officer)

Received 4/23/24 @ 4:10 pm

Officer 1 (no longer with dept.) – Referred to as officer A

- 9 yr officer – swat, sniper, Master officer
- '21/'22 – after responding to call (back in 2018/2019) – victim died in officer's arms – told by Chief Klug/Captain Sundheim – "if you need help for PTSD – go get it" – Tammy Ness is outside therapist. Ness also offered Chief any counselling help for any officer that needed it after Officer Blanchard's suicide. Chief 'blew her off'.
- Officer A was close friends with Officer Pat Blanchard who committed suicide in '22 as well...which undoubtedly added to [redacted] issues.
- Officer A went outside department and found [redacted] in '22
- Being short staffed and other work/personal issues contributed to work deficiencies and in summer of '23 asked Chief Klug for mental health help – was given brochure to look in to for help.
- In Nov. '23 officer A had work incident where officer A yelled at citizen on a call about taking care of her child and was turned in by fellow officer...written up and Chief 'suggests' officer A received more help – so they find her a spot in a [redacted] facility in FL that – doesn't specialize in [redacted], but have counsellors that are trained in [redacted] Suggestion was actually – if you don't go, you won't have a job – kind of suggestion. After being threatened with job – officer A goes to counselling and returns back to work. Officer A received $4,000 bill for 30 day stay at treatment facility that was mainly for [redacted]. Department mandated counselling – or officer A would lose job – department doesn't pay for counselling...this seems inappropriate and possibly retaliatory in nature.
- Officer A had confrontational relationship with MO Dan Batteiger – officer A says MO Batteiger is unethical, immoral and lies quite often. Provided multiple instances witnessed at work/during work.
    - This was the first instance from anyone in the Minot PD that I was made aware of MO Batteiger sleeping with a domestic violence victim – in which he was a responding officer to the DV call – within 48 hours of arresting victim's boyfriend/spouse. MO Boettiger's vehicle was at the victim's house at 13:30am 2 days after call...no lights on. Reported to Sgt Noyes. Sgt Noyes askes MO Batteiger about it and is told by MO Batteiger "I was just over there as a friend; I had given her my card and she needed to talk to someone". Sgt Noyes reported up chain of command to Lt. McCloud that two officers had seen MO Batteiger's vehicle at the victim's house, but Batteiger told Sgt Noyes that he wasn't there as anything other than a friend. As it went up the chain (admitted to Chief and Cpt Sundheim that he had in fact slept with the victim) – officer Batteiger was ultimately disciplined with a 3-day suspension from the department for sleeping with victim, but never spoken to about lying to his Sgt.
    - At this point officer A told me about other instances within the department where officers were caught lying and not fired – Summerville instance came up amongst multiple officers I spoke with. All said that Summerville lied multiple times, was written up and suspended, but not fired. All of them, past and present, indicated things like that that happen, hurt moral of the dept as most officers didn't believe this was good behavior for a fellow officer.

- Officer A brought up ND POST Board Code of Ethics they sign and pointed to instances that, under ND POST Board rules, would be offenses that the POST Board would remove your license for.
- Officer A also brought up other instances MO Batteiger was counselled, disciplined or suspended for – including failure to adequately train K9 Cyrus for drug detection on a monthly basis, a ATV pursuit complaint in which he lied about how many cars he passed during pursuit (told Sgts 7-8 cars, camera footage showed him passing roughly 80 cars), not following up on cases that are assigned to him and lastly losing of 15.7 grams of DEA grade heroine used for training of our Minot PD drug dogs.

- After the Nov. '23 incident where officer A yelled at citizen about taking care of kids – officer A went to counselling "suggestion" and came back to work. Was suspended for 6 months from Swat team as a sniper, but was told she was NOT in trouble. Chief did say he was disappointed in officer A for "always trying to point out the liars in the department. We are not the morality police". Sgt Strandemo (SWAT Commander) – wrote letter to have officer A removed from team because she spoke with officer who reported her about the yelling (not confrontational – per the officer) and that she pulled out a riot shield during a call – because "it looks bad to use swat gear on a call that doesn't need it". Chief also screamed at officer A for speaking with reporting officer about yelling incident.
- It was at this point that officer A requested to not work with MO Batteiger any further as, in her words, "I didn't feel safe and I didn't know if I showed up on scene, if he was doing something legal or illegal". Officer A was told by Chief (this occurred during counselling for [redacted] sessions) "you will work with him or you won't have a job". Officer A was very upset in her own words.
- On 5/3 of this year, Chief requires officer A to take a [redacted] On or about 5/20 of this year, Chief requires (given in suggestion form again – as in sign this or you won't have a job) officer A to sign 'records release' for all of her outside [redacted] – including all [redacted] on what officer A said in session. Outside [redacted] is upset at request as it ignores patient/client privilege. [redacted]
- Officer A was put on administrative leave while waiting for results for [redacted]
- [redacted] may require 3 accommodations/actions that will help officer A (attached with this document) item 1. Officer A was decorated multiple times by city and department for her work/service. Also held significant amounts of training/certifications/qualifications that we as a city paid for. That is attached as well, item 2.
- I asked officer A if any of the accommodations that were suggested were applied to help – she indicated that nothing Kuhlman suggested was put into place. Instead, Sgt. Ruell was directed to report on all of officer A's daily activities to make sure things were going ok. Sgt. Ruell did the daily reports for a while, but then stopped because officer A was having no issues and so reports were not needed.

- During this same time, Cpt. Sundheim added a letter to officer A's personnel file (not HR but hidden one within the dept.) stating officer A was on a PIP, but it wasn't really a PIP in Cpt's words.
- I asked officer A why she was speaking up now – she said because she had left the department and they couldn't do anything to her any longer and that she still cared very much about the dept and her friends still working there. She indicated other people would speak up – but were worried about retaliation from brass, as they had all seen how Sgt. Schoenrock was treated for speaking up to/against brass.
- Main take-aways from this interview – officer A reported inconsistent discipline within the department (favorites played), Poor communication from the senior brass, getting into trouble for reporting ethical, moral issues of other officers, no transparency within the depart. And not taking appropriate actions with regards to some officers' unethical behavioral issues.
- At end of interview officer, A also spoke about an incident that happened when Amy Evans (who I believe still works for the city) was hired on. Evans was identified in a hit and run report as the offending party. This was shortly after Evans had been hired by the city as an animal control officer. Officer A was attempting to issue warrant/citation for Evans so other citizen could get insurance claim made. The following morning officer A was pulled into Cpt. Sundbakken's office and told that they would not be pursuing this issue as it would be embarrassing to the city as this was now a city employee. Officer A objected because citizen needed this to get insurance claim filed. There has been some discrepancy about how long after the incident this happened....officer indicated within a few days – brass has told others it was the following month.

ITEM #1

6

[redacted]

ITEM #2

Training Certifications:

- Sixteen Hour pre-service Law Enforcement & Research Center (Saint Cloud Driving School) 2012
- Shadow Victims 2012
- Taser X26 Training / Exposure 2013
- Monadnock Expandable Baton (MEB) Advanced User Course 2013
- Defense Technology CS Gas 2013
- Defense Technology 0.2% OC Spray 2013
- S.W.A.T Basic 2021
- Police Basic Sniper School 2021
- North Dakota LEO Certified Instructor
- The Warrior Mindset 2015
- North Memorial EMS Education / First Responder Initial Course 2012
- Distracted Driving 2015
- Special Operations Committee Conference 2018
- Shotgun Qualification MIPD2003 2022
- Sidearm Qualification MIPD2002 2022
- Axon Taser Certification MIPD22023 20222
- Cultural Diversity NDHP2210 2022
- Identifying and Documenting Street Gangs MIPD1805 2022
- Police Pursuit Driving / EVOC MIPD2103 2022
- MPD Annual Training 2022
- Disability Awareness Training 2022
- LLRMI Use of Force Legal Issues 2022
- CPR Certification 2022
- Night Fire Weapons Qualification 2022
- Winter Fire Weapon Qualification 2023
- FTO Basic Training Seminar 2023
- NDHP DUI Detection/ SFST Testing Refresher NDHP2137 2023

- Stop Sticks User Course 2023
- FBI SWAT CQB training course 2023
- Annual Training Day 2023
- Defensive Driving NDSC1903 2023
- MPD Riffle Qualification Course 2023
- Shotgun Qualification MPD2003 2023
- Sidearm Qualification MPD2004 2023
- 2023 Legislative Update 2023
- Ground Control Skill MPD2306

Awards:

- North Dakota Bravery Award 2019
- Minot Police Department Exceptional Service 2020
- North Dakota Life Saving 2022
- North Dakota Commemorative Coin 2023

OFFICER CODE OF CONDUCT (PFN14)

NORTH DAKOTA PEACE OFFICER STANDARDS AND TRAINING (POST) BOARD

SFN 62315 (05/23)

Officer License Number or Social Security Number	Name (Last, First, Middle)
Agency Name	

109-02-05-01 OFFICER CODE OF CONDUCT

1. This section applies to every officer licensed by the board and every peace officer standards and training board license applicant. This section applies to on duty and off duty officers.

2. All applicants for a peace officer license including a part time license, reserve, and limited license shall sign a code of conduct on a form provided by the board and shall submit the code of conduct with the application. In the absence of a signed code of conduct a license shall not be issued.

3. All applicants for renewal of an officer license shall sign a code of conduct on a form provided by the board and shall submit the code of conduct with the application for renewal. In the absence of a signed code of conduct no license will be issued.

4. It is a violation of this section:

   a. To possess or consume alcoholic beverages on duty or while in uniform on duty or off duty except as authorized or required for the lawful performance of the officer's duties.

   b. To possess, sell, consume, use or assist in the use of any illegal or unauthorized controlled substance or medications whether on or off duty except as authorized or required for the lawful performance of the officer's duties.

   c. To engage in conduct that is in violation of the criminal laws of the state or federal government or ordinance of a political subdivision.

   d. To engage in acts of corruption or bribery or to condone acts of corruption or bribery by other peace officers.

   e. To willfully lie, omit, provide false testimony, provide misleading information or falsify written or verbal communications in reports when the information may be relied upon by the courts, state's attorneys, or other law enforcement officials.

   f. To willfully provide false testimony, evidence or misleading information in a application for a search warrant, arrest warrant, or criminal complaint.

   g. To engage in illegal harassment or intimidation of another individual, or to condone acts of illegal harassment or intimidation by other officers.

   h. To willfully fail to report the violation of a criminal law or NDCC chapter 12-63 by an officer.

Officer's Signature (typed name is the legal equivalent of a handwritten signature)	Date

Please retain a copy of this form and forward the original to the POST Board at:

POST Board
PO Box 1054
Bismarck ND 58502-1054

Your social security number is requested by the North Dakota Peace Officer Standards and Training Board to complete the licensing application process under NDCC § 12-63-06. Disclosure of your social security number is voluntary. However, not providing this information may result in a delay in processing your license application and correct individual identification.

Officer 2 and Officer 3 (both prior Minot PD officers, current FOP reps)

- During this first meeting I met with the local chapter and state Fraternal Order of Police reps. They spoke about multiple issues within the department – both explained different issues that ultimately forced them to make the decision to leave the department.
- Both of these officers were with Minot PD for a long time – both had no issues prior to Chief Klug taking over the PD. Both previous officers pointed out inconsistencies with discipline, getting in trouble for small things (one of the officers was the community outreach officer and had been for 4-5 years....he received a reprimand for scheduling the PD to be at the second Juneteenth event here in Minot...was called into Cpt Sundbakken's office and told that he needs approval before they get the dept. into events that could be considered controversial – asked why this event would be controversial – no answer given), lack of support for the officers from brass (they just sit in their offices or are never there), poor communication from upper leadership and the 'changing goalposts' that is the promotions board within the department.
- The FOP reps also handed me a letter from the FOP detailing the issues they see with the department. Most of the issues listed on the FOP letter were with regards to officer's wage changes, PTO/OT changes, insurance changes, etc. Item 3 is attached.
- Both prior officers indicated that current brass does not like to be questioned or have to answer any how/why questions. Cited a few personal instances where either of them would ask Chief or Cpt Sundheim about maybe looking at changing something or adding a new policy that would help with efficiency, job duties etc. – always met with "this is the way we've always done it." If they asked to many questions or suggested to "harshly" about why brass didn't think it would work, they would be reprimanded by brass or yelled at.
- Both officers spoke about the lying that went on while they were in the department. Some people would be fired for lying (Clouse and Wilke both fired for lying to chief) and other officers such as Summerville and Batteiger who were not fired for lying but only suspended. They indicated how bad things like this would crush the moral of younger officers.
- Officer #2 worked for the Minot PD for 5 yrs and achieved the rank of MO, with the ND Highway Patrol for 8 years prior and with Bottineau County Sheriff's Dept for the last couple years. He was trained with the NDHP in crash reconstruction. Officer #2 spoke at length about how the 4-year assignment rotation has hurt the department. He mentioned officers Stef Letz (Det) who recently left the department because she was about to be rotated out of her detective assignment and moved back to patrol. He also mentioned Jay Haaland who was forced out of his SRO job and moved back to MN to become a cop. Officer #2 mentioned that the Chief never asked for any input on this policy change when instituted. Had they been asked they would have informed Chief that a lot of officers aren't in favor of it, because "while some officers are great at being a detective or on patrol, others may not be and so when they find a position that they are good at, usually they don't want to transfer out and do something else". I question why we would take a leading detective or patrol officer who is fantastic at their job and doesn't want to do a different job, and force them to do something else....kind of like forcing officers who don't trust each other to work with each other. Seems to be very little regard for what the officers actually think or feel.

- Officer #2 said he ultimately left the department because he could see the lack of communication/support, poor communication and selective promotion process that passed over many good officers. He mentioned that he tested for Sgt. 2 times. The first time he was #4 on the list and they promoted 2 people....so he didn't make it. The second time he was #3 on the list, they promoted 6 people that time, but he was passed over. No reason given, no explanation of deficiencies in officers file or reviews. He said he could see that if you weren't in "Chief's group" you would not make promotion board at Minot PD.
- Officer #2 spoke about inconsistent discipline procedures as well...he spoke about frivolous write ups of Sgts. Jensen and Foley and SO Olsen, but other officers weren't written up or discipline for the same offenses.
- Officer #2 discussed his extensive experience in crash reconstruction and the specialized training he received while serving with the North Dakota Highway Patrol (NDHP). Upon joining the Minot Police Department (PD), he noted that the department lacked expertise in this area. Following a tragic incident involving a pedestrian fatality near Jim Hill, in which Officer #2 was not called upon to assist with the reconstruction, Captain Sundheim requested his help in developing a crash reconstruction policy akin to the NDHP's. Officer #2 dedicated significant time and effort to crafting a policy, largely based on the NDHP's framework, at Captain Sundheim's behest. Although he submitted the policy to Captain Sundheim, it was never discussed further. This situation underscores a concerning lack of follow-through and support from department leadership.

ITEM #3

SOURIS VALLEY REGIONAL LODGE #7

FRATERNAL ORDER OF POLICE

P.O. Box 4147, Minot ND 58702-4147

Email:sourisvalleyfop@gmail.com

PATRICK YOES
NATIONAL PRESIDENT

MITCH WAROZINSKI
NO DAKOTA PRESIDENT

To: All Concerned Parties

04/09/2021

From: Aaron Moss
President
NDFOP – Souris Valley Regional Lodge #7

RE: NDPERS Public Safety Pension Plan

To All Concerned:

I write the letter on behalf of the members of the North Dakota Fraternal Order of Police – Souris Valley Regional Lodge #7, who are also employees of the Minot Police Department, in support of adoption of the NDPERS Public Safety Pension Plan.

Nationwide efforts to recruit and retain quality employees in the profession of policing has unquestionably fallen off. In fact, the National Lodge of the Fraternal Order of Police estimated that law enforcement recruiting nationwide was down 60% in 2019. There can be no doubt that 2020 saw similar or worse performance in this area vital to public safety. The Minot Police Department has not been immune to these troubling trends in recruiting and retention. Time-and-again, for those officers leaving employment with the City of Minot, but staying in the profession, the desire to seek better benefits packages in other agencies is a leading reason for an early departure.

While no single compensation/benefit change can be expected to be the magic wand in reversing this trend, improvement in the area of the pension benefits would demonstrate a very real commitment to improvement to employee benefits and send a strong message that our membership's efforts in serving the Magic City are appreciated. To those responsible for making the applicable budgetary decisions, the appearance of immediate savings from slightly less expensive plans can be a strong motivator in adopting less favorable pension programs. However, the perception of savings from this type of decision quickly evaporates when the expenses, in the hundreds of thousands of dollars, of constantly training new police officers and firefighters gets tallied.

Further, with the high rate of turnover experienced by Minot's public safety departments, the median experience level of its police officers and fighter fighters remains low. While keeping employee allotment numbers staffed is a challenge in and of itself, when those positions are filled with inexperienced law enforcement officers, the public simply doesn't enjoy the benefit of the level of policing a more veteran and happier police department provides. Improvement in benefits packages, and in this case adoption of the NDPERS Public Safety Pension Plan, is a step in the right direction in slowing the unfavorable trend of watching the training and experience gained by police officers, paid

President: *Aaron Moss*

Vice-President: *Roger Hutchinson*
Secretary: *Aaron Bowles*
Sgt.-At-Arms: *Ann Millerbernd*

2nd Vice-President: *Greg Johnson*
Treasurer: *Aaron Moss*
Lodge Trustee: *Kenton Koston*

PATRICK YOES
NATIONAL PRESIDENT

SOURIS VALLEY REGIONAL LODGE #7
FRATERNAL ORDER OF POLICE
P.O. Box 4147, Minot ND 58702-4147
Email:sourisvalleyfop@gmail.com

MITCH WARDZINSKI
ND STATE PRESIDENT

for by the residents of the City of Minot, leave for other law enforcement agencies and different professions.

Based upon the forgoing Lodge #7 strongly supports the adoption of the NDPERS Public Safety Pension Plan as part of the benefits package for the City of Minot's police officers and firefighters.

If anyone wishes to discuss this further we are happy to meet with you at your convenience.

Respectfully submitted,

Aaron Moss
President
NDFOP - Souris Valley Regional Lodge #7

Officer #4 (current MPD Sgt) – Referred to as Sgt X

- 12 yr PD officer – promoted to Sgt. X
- Sgt X spoke about issues he sees within the Minot PD – again – inconsistent discipline (from brass and even some lower-level officers), Absent leadership – never around, no support for lower grades, brass is not open to suggestions or criticism at all, the brass "doesn't seem to have time for lower officers". Chief and Cpt Sundheim do not like to be challenged at all...if officers speak up and they don't like it, will be given shitty assignments, removed from duties/teams they've been assigned to etc. – basically said that bras doesn't want to hear from the lower grade Sgts/officers.
- Sgt X also spoke about the 4-year assignment rotation that was put into place under chief Klug. Indicated it is quite unpopular amongst the officers.
- Sgt X spoke about one particular incident that happened within the department prior to MO Pat Blanchard's suicide. MO Blanchard was at an event at a bar and had been drinking with other officers (I believe it was a going away or retirement party). During the party SWAT was called out and although he had been drinking – MO Blanchard got in his car and headed towards the scene. As he was attempted to drive to the call out, MO Blanchard was involved in an accident where he ran into a building and popped 2 tires on his vehicle. He left the scene of that accident and headed back to the Minot PD garage to attempt to change his tires. While in the garage working on the tires, Sgt Ruell finds him intoxicated and attempting to change his car tires. Sgt Ruell speaks with MO Blanchard, decerns what had happened and reports this all to Lt. Houge. At this point it is believed that Lt. Houge informs brass of what has taken place. The next day Sgt Ruell is called into Cpts office and told they would not be proceeding with DUI, hit and run or any other offenses MO Blanchard may have been involved in from the incident the night before. Officers within the department were stunned he said...as most were aware of what happened and new there should have been some formal punishment. Nobody was told why he wasn't being punished and so they lack of transparency and the 'non punishment' really hit the moral within the PD.
- Sgt X spoke a bit about MO Batteiger and some of the issues and was unsure why we would keep officers with ethical issues on the department. This was the second time the 15.7 grams of DEA heroine that was lost, was brought up. He brought up officer Summerville who had lied numerous times in the dept as well....has been suspended but not fired. I can see the fact that other officers lie really bothers the officers both past and present.
- It was at this point I went and started speaking with Stef Stalheim, the city attorney, and asked what she knew about the missing drugs. She indicated that the Thursday right before Labor Day weekend was the first time she'd heard about this (the drugs were lost somewhere between Feb-Nov. 2023). Stalheim and I asked for the investigation report into the lost drugs and MO Batteiger's personnel file. We read through both and were quite surprised at some things said in the investigation report and the lack of letters of discipline/counselling in his file. As I'd been told there were several write-up offenses. It was at this time we were made aware of 'shadow files' held within the Minot PD by command staff. Stef Stalheim requested all of those MO Batteiger files from Minot PD command staff. Both internal investigation report and Chief's letter of discipline are attached to this file for reference as items 4 and 5. I would also recommend reviewing the write up for MO Batteiger with regard to the 2022 'sleeping with a victim of DV'.

- Sgt. X also mentioned several other write-ups for MO Batteiger, that were known throughout the department – he said there are 6-7 writeups on MO Batteiger that happened before the 'sleeping with the victim' writeup and before the 'lost drugs' incident (timeframe would be 2022-2023. He mentioned that Sgt. Y (another K9 Sgt) had written a letter to Cpt Sundheim and Chief to detail some of the issues and problems with MO Batteiger as related to his K9 training issues. Cpt Sundheim looked at the letter and told Sgt. Y she lacked supervisor maturity for pointing out the issues. Again – made mention of how that affected moral within the department.
- Sgt. X mentioned multiple times the lack of communication within the department. These incidents varied from why certain things were happening within the department to reasons for writeups/discipline to suggestions/committees giving recommendations (asked for by brass) and nothing ever happening. Sgt. X indicated that most of the junior officers don't feel the brass even knows who they are, let alone care about what they think. He told me that 2023 annual personnel reviews had not been done for the department (other than detectives – Cpt Plessus). These would have fallen to Cpt Sundheim and Cpt Sundbakken (to a lesser degree) He said "they don't even care to tell us if we are doing a good job or not..."
- Sgt. X also mentioned that there is no 'follow through' from the senior brass nor much support of any kind.
- I asked Sgt. X what he thought would help fix things within the department. Here were Sgt. X's responses:
    - Clear guidance from brass. Be around/seen and interact with the officers in the dept. Chief micro manages a lot of things and so decisions never get made. NO DECISION CAN BE MADE WITHOUT CHIEF'S OK.
    - Get rid of the politics that happen within the department – it is crushing moral
    - Allow officers to do their jobs, instead of telling them not to take action. Give officers latitude and guidance while allowing to make some decisions.
    - Lay out clear criteria for advancement/promotion instead of the moving target they have now. Quit promoting people that aren't good leaders just because they've been there for 10+ years.
    - Implement some of the CPSM suggestions that were delivered a few months ago. Nothing has been done with those...why did we pay for the study?
- Sgt. X finished up our meeting by telling me about 2 things. First, SWAT is not used at all. Cpt Sundheim will not let SWAT be deployed for anything in the city. "It looks bad to have SWAT running around out there". The training has turned south because they all know nobody will call them out for anything. They used to go serve drug warrants, but that has changed and they have only been called out 3 times in the last 3 years. Nobody understands why they aren't used, but it hurts moral. Sgt. X wondered what the point in having a SWAT department if you never use them?
- Lastly, Sgt. X told me about issues in Dispatch - this was the first time anyone had brought this up. He said if you wonder why the city can't keep any dispatchers, it's because the same thing is happening there that happens in the PD. He mentioned how the PSAP (Margaret) is a very harsh supervisor, she talks poorly about dispatchers to other dispatchers and PD, she retaliates against people and the supervisors have very little training...no guidance from PSAP. He also mentioned that when only two dispatchers are on shift due to staff shortages,

they are required to work 12-hour shifts without taking lunch breaks unless they use PTO. To cover their lunch, another dispatcher must be called in, which effectively discourages taking their lunch break. Most stand or sit at their desk and eat while working. This arrangement seems highly questionable, potentially violating labor laws and exposing the city to legal liability,

ITEM #4

City of Minot

Police Department

February 23, 2024

To: Daniel Batteiger, Master Police Officer

Ref: 23-12, Chief's Letter of Discipline

This is a summary and order of discipline resulting from the investigation of Master Officer Daniel Batteiger reference internal administrative investigation 23-12 regarding the missing narcotics from the canine training kit.

On December 14, 2023, it was discovered that 15.7 grams of heroin, packaged for training canine teams for narcotics detection, was missing. Upon being notified, I assigned the administrative investigation to Capt. Dale Plessas. The full investigative report is available in the internal file and will be maintained for reference. The investigation was to determine if the narcotics were misplaced or taken by one of the four employees with access to the storage location.

The result of the internal investigation showed that the last person to sign out the heroin samples was Officer Batteiger. The night of December 13, 2024, the heroin kit was retrieved by Officer Connole from Officer Batteiger's vehicle, which was parked at Batteiger's residence. The kit was not inventoried, but it remained sealed until the evening of December 14, 2023, and it was at that time that Sgt. Taylor Jensen found the 15.7 gram sample was missing from the kit.

With Officer Batteiger being the primary handler to check the narcotics out from the locker and the handler who had most recently checked it out, I find that most of the responsibility for the missing sample lies with him.

Based on the results of the investigation, I find the following violations of policy and have set discipline based on the seriousness of the violations which are all **sustained** and are basis for this disciplinary action.

- Policy 322 – Standards of Conduct
  - 322.5.1 LAWS, RULES, AND ORDERS
    (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
    - Maintained possession of heroin training kit beyond the time allowed by the directive issued by Lt. Dave Chapman.
  - 322.5.7 EFFICIENCY
    (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

- Failure to maintain minimum training requirements.
- Failure to inventory samples when checked out for training.
- Maintaining possession of sample beyond the allotted time allowed.

- 322.5.9 CONDUCT
  (i) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through carelessness or maliciousness.
  - Maintained the samples of heroin with poor practices of inventory and accountability.

My concerns about this incident are inflated by the history of disciplinary actions with Officer Daniel Batteiger. He has been counseled for errors made while instructing the deployment of our spike systems, policy violation associated with the pursuit of an off-highway vehicle, and failure to maintain the required level of training with his canine as established by the department. Officer Batteiger has also been suspended for a Standards of Conduct violation, which was largely reflective of poor judgement.

Discipline: As a result of these policy violations, I am ordering the following for Master Officer Daniel Batteiger:

- This letter will serve as a letter of reprimand for the violations of the Standards of Conduct policy.
- Officer Dan Batteiger will be removed from his position as a canine handler and surrender Cyrus to the Canine Coordinator by the date and time set by the Chief of Police.
  - Date: 2/26/2024 Time: 1730
- Officer Batteiger will no longer instruct Emergency Vehicle Operations Courses for the Department or its' members.
- A copy of this letter will be placed in the personnel file of Daniel Batteiger in the Office of the Chief of Police.

John Klug, Chief of Police — Date: 2/23/2024

I have been given a copy of this disciplinary decision.

Daniel Batteiger, Master Officer — Date: 02-23-2024

Witnessed by:

Justin Sundheim, Captain — Date: 2-23-24

ITEM #5

Minot Police Department

Administrative Investigation 23-12

RE: The loss of control of narcotics from the canine training allocation

ADMINISTRATIVE INVESTIGATION

Introduction:

Employee:	Lt. David Chapman, Sgt. Taylor Jensen, M.O. Daniel Batteiger, and S.O. Michael Connole
Source of Complaint:	Notification from Lt. David Chapman
Interviewed:	Lt. David Chapman, Sgt. Taylor Jensen, M.O. Daniel Batteiger, and S.O. Michael Connole
Complaint Date:	December 14, 2023
Investigation Date:	December 20, 2023
Investigator:	Capt. Dale Plessas – Minot Police Department

Synopsis:

On December 14, 2023, at 1630 hours members of the Minot Police Department K9 team, to include Lt. Chapman (coordinator), Sergeant Jensen (handler), and S.O. Michael Connole, met with two handlers from McHenry County Sheriff's Department for bimonthly K9 training. Master Officer Batteiger was not present for this training as he was home sick.

The training was conducted at the Minot Police Department in the old City Council Chambers. The training was a drug detection training where drugs were to be hidden in specialized K9 popper boxes. While placing drugs in popper boxes, Sgt. Jensen discovered that the 15.7-gram sample of heroin was missing. She immediately alerted Lt. Chapman. Lt. Chapman conducted a limited search for the drugs and then contacted Capt. Sundheim to report the discrepancy.

Chief John Klug assigned this investigation with focus on the following questions:

- Who signed out the narcotics?
- Who accessed the drugs during that time?
    - Voluntary hair follicle testing of all with access.
- Were current policies/procedures followed?
- Were additional attempts to locate since the initial report?

Summary of investigation:

During this investigation, I interviewed each of the members of the K9 team starting with Master Officer Daniel Batteiger, Senior Officer Michael Connole, Lieutenant, Dave Chapman, and finishing with Sergeant Taylor Jensen. I later found it necessary to re-interview M.O. Batteiger and S.O. Connole to clarify some items. I began my interviews by orientating myself on the K9 drug kit make up and process of the K9 team. I learned that the K9 drug kit is made up of 4 types of narcotics to include Methamphetamine, crack cocaine, cocaine, and heroin. Each of these drugs were received via the DEA laboratory and were sent in 1 oz samples or roughly 28 grams (see: 2023 K9 forms -DEA Request). The samples were then broken into three smaller samples by the K9 team. This was done by breaking the sample in half and then breaking one of the halves in half again. The largest of the Samples of heroin was measured at 15.7 grams. These smaller samples were then placed individually in canvas bags with a label that indicated the size of the sample. The three samples of a drug type were then placed in a small glass jar, similar to a baby food container. Each of the narcotic samples undergo the same process and are stored in a pelican case that is referred to as the K9 drug kit. This kit generally would be stored in a locked locker located in a basement storage room at the Minot Police Department. The storage room has limited access among police personnel and the locked K9 locker has a combination lock that limits access to members of the K9 team. Members who assist the K9 team, commonly referred to as decoys, do not have access to this locker. The K9 locker has a paper log, titled *Drug inventory Log*, that is used for tracking the K9 drug kit usage (I took pictures to illustrate each of these storage locations and log, Images 1 – 8). LT. Chapman indicated in his statement that he developed a digital log but acknowledged that it is not used with any consistency. He indicated that this is ironic as members of the team wanted the digital log, but they do not use it. In my review I determined that M.O. Batteiger and S.O. Connole do not use the digital log. Connole indicated that he has not been able to get the log to work on his cell phone. Sgt. Jensen does regularly use the digital log when accessing training aids.

It appears that inventories of the K9 drug kit are inconsistent at best. In interviews with Lt. Chapman and M.O. Batteiger it was determined that there is no formal process in place for inventory of drug samples in the K9 kit. Lt. Chapman and M.O. Batteiger acknowledged that they do not formally inventory the kit prior to taking or upon returning the kit to the locker, beyond ensuring all of the bottles are inside. M.O. Batteiger said it is not part of his process to take a physical count or inventory of the K9 kit. S.O. Connole indicated that it is his experience that an inventory is done after each training event. Despite this statement, he acknowledged that he retrieved the kit in from M.O. Batteiger's patrol vehicle in preparation for the December 14, 2023, training, but did not do an inventory. Each indicated that during training, sometimes they take a sample out of the bottle and use them individually, and sometimes they use the full sample, in and out of the bottle. Each indicated that they should notice if a sample is missing but could not be certain of this.

Further complicating tracking of these drugs is inadequacies in training documentation. The K9 team utilizes the Packtrack system for monitoring training. The system provides a great means of monitoring all of the various training activities by members of the K9 team. The System permits the K9 handler to be very detailed in documentation of training. The inadequacy comes with documenting specific training

aid being used. While S.O. Connole seems to document the specific size of sample he utilizes, M.O. Batteiger often indicates "1 item" when the full sample is not used. This makes it difficult to determine when the 15.7-gram sample was last used. The last recorded date that the 15.7-gram sample was listed in training is Jun 23, 2023, at MSU (see: Excersize-Detail-Report-9328-vBaoL hrp Pg28). There were multiple times where 28 grams, or 1 ounce, was listed, but it is difficult to know if the handler observed all three samples, or simply used the whole jar and considered it the full sample. Sgt. Jensen indicated that she handled placement of one of the 6-gram sample (the Packtrack log shows 6.4 grams) of heroin on November 12, 2023, and felt confident that if the 15.7-gram sample was missing, she would have noticed, but could not be certain of this.

M.O. Batteiger stated that after, former K9 handler, Sgt. Pappenfus left the Minot PD, Batteiger's dog was the only narcotics dog left, so he commonly left the K9 kit in his vehicle. This is documented on the drug inventory log as M.O. Batteiger checked the full kit out from February 28, 2023, to November 13, 2023 (ref image 2). According to Lt. Chapman storing the drugs in a patrol car long term, was consistent with how he and other past drug detection K9 handlers operated. Nevertheless, Lt. Chapman acknowledged that he knew this was not good practice, so he put out an order stating that the K9 kit could only be checked out of the locker for three days at a time for the full kit, and 7 days at a time for a partial kit. If more time was necessary, the handler would need approval of the K9 coordinator. Samples were not to be split apart (partial odors from the same drug type) at any time (See: Minot Police Department Unit Expectations). This order was distributed at the first training in November. M.O. Batteiger stated that after this order was given, he checked the kit back into the K-9 locker, but he and Officer Connole split the kit apart. He took the heroin with the intent of training with it. The Drug Inventory Log showed that the M.O. Batteiger checked the heroin sample out of the locker on the same date that he checked the full kit back in, November 13, 2023. The log also showed that S.O. Connole checked a partial kit containing methamphetamine, crack cocaine, and cocaine out, thirteen days later, on November 26th, 2023, and returned it on November 29, 2023.

A noteworthy discrepancy shows that M.O. Batteiger logged the heroin sample back in on November 26, 2023, but heroin was absent from S.O. Connole's check out of the partial kit on November 26, 2023. M.O. Batteiger stated that he recalls placing the sample in the kit and did not leave the lone heroin container in the locker. He also indicated that he did not give it to S.O. Connole. With the indications on the log, this explanation is not possible. Also noteworthy is that the handwritten "2" in the number 26, in M.O. Batteiger's log check in date, appears modified, potentially from a "1". If the date was listed as "1" the check in date would have been November 16th, 2023, which would have been consistent with Lt. Chapman's directive. M.O. Batteiger acknowledged that the date listed was November 26, 2023, which he acknowledged put him in violation of Lt. Chapman's directive. He indicated he could have been wrong on his date that they split the drugs. Also noteworthy was that S.O. Connole logged training on November 26, 2023, and listed cocaine and methamphetamine but did not utilize heroin. After refreshing his memory with the use of the drug inventory log and Packtrack training log, S.O. Connole recalled that he had checked out the kit on November 26, 2023, to train with Sgt. Jensen and M.O. Batteiger but said that Batteiger indicated that he had possession of the heroin sample, so Connole did not check that sample out nor use it in training.

Sgt. Jensen pointed out that Lt. Chapman had instructed M.O. Batteiger, via e-mail, that she should be involved in the process of replacement of the K9 kit (See: DEA Narcotics – e-mail from Lt. Chapman). She said Batteiger went forward with the process without her. Sgt Jensen found out about this when she received a DEA certificate forwarded to her from Lt. Chapman (see: DEA Cert – e-mail to Sgt. Jensen). She then asked Batteiger about this and he said he did not want a headache for the both of them. In their interviews, both Sgt. Jensen and S.O. Connole made mention that it was a red flag that M.O. Batteiger had sent the paperwork in to the DEA to have the drugs destroyed and shortly after Sgt. Jensen discovered that the heroin sample was missing. Officer Connole said M.O. Batteiger had advised him the kit was out of use for up to six weeks because the drugs were being destroyed. In fact, Officer Connole pointed to the December 5th, 2023, training and indicated that he took a fentanyl training aid (a pseudo-odor) because he was under the belief that the K9 drug kit was destroyed. Officer Connole said it was a surprise to him on December 7th, 2023, training to see the kit was still available. At this training Lt. Chapman did utilize the 1 Ounce sample of heroin but indicated that he did not know for sure if the full sample was there, and indicated in hindsight, something seemed to be off. He equated his feeling to a situation where you feel like something is off, but just cannot put your finger on it. He acknowledged that he did not inventory the drugs, so he does not know for sure. M.O. Batteiger acknowledged that he did tell S.O Connole that he was destroying the drugs. He said replacing the k9 drug kit was a new process to him and he didn't know that he would need to wait for a letter from the DEA before he could destroy it. M.O. Batteiger said he had a conversation with Sgt. Foley to determine the process to destroy the drugs but learned that he needed to wait for the letter, after that conversation. Sgt. Foley recalled having a conversation with Batteiger but could not give a specific date other than to estimate it was roughly the end of November or beginning of December.

It was determined that Lt. David Chapman, Sgt. Taylor Jensen, Master Officer Daniel Batteiger, and S.O. Michael Connole were the only people to have access to the drug kit. Each was asked to submit to a voluntary drug test. Since I was unable to pinpoint the date that the heroin went missing, a decision to utilize hair follicle testing was made. The hair follicle test provides the best results for a long length of time (up to 90 days). Julie Eidemiller, from Trinity Occupational Medicine, advised that the 5-panel test was recommended for opioid screening. This was the test selected. Lt. Chapman, Sgt. Jensen, M.O. Batteiger, and S.O. Connole each separately agreed to provide a sample for testing. They were individually directed to Trinity Occupational Medicine where they provided a sample. Each screening resulted in negative results for all five panels (see attached file: City of Minot PD K9-Hair -Connole, Chapman, Jensen, & Batteiger).

When Lt. Chapman was informed of the missing narcotics on December 14, 2023, he went to the last location where he knew the drugs had been used in training. He returned to John Hoeven Elementary and Minot State University. After failing to locate the missing heroin, he contacted Capt. Sundheim and informed him of the missing drugs. Sgt. Jensen and S.O. Connole searched the K9 kit to ensure it was not inadvertently placed in the wrong jar. On December 15, 2023, Lt. Chapman sent an e-mail to K9 handlers Daniel Batteiger and Michael Connole with a list of training logs pages from Packtrack. He instructed them to start working backwards through each of the locations where heroin was used in training (see: E-mail string from Officer Connole). S.O. Connole searched most of these locations to include searching the administrative vehicles used in hides (see: Note-Michael Connole, 1 & 2) while M.O. Batteiger searched other locations.

- Who signed out the narcotics?
    - Since the last known time that the 15.7-gram sample was in use (June 23, 2023, training at MSU) M.O. Batteiger was the only handler to check the heroin out. S.O. Connole checked the kit out on November 26, 2023, but only signed for Meth/CC/Coke.
- Who accessed the drugs during that time?
    - Since June 23, 2023, each of the handlers of the K9 team, to include Lt. Chapman, Sgt. Jensen, M.O. Batteiger, and S.O. Connole had access to the K9 kit and used it in training in some way.
    - Voluntary hair follicle testing of all with access.
        - All submitted voluntary hair follicle samples for testing. All tested negative for drug use.
- Were current policies/procedures followed?
    - See the applicable policy section.
- Were additional attempts to locate since the initial report?
    - Each member contributed to searches for the missing heroin. Lt. Chapman directed his team to search every location that the drug was used since the last known possession (June 23, 2023), to no avail.

Conclusion:

The 15.7-gram training aid sample was discovered missing on December 14, 2023, but it most certainly had been missing prior to that date. The last record of this sample's use was six months prior, on June 23, 2023, at a K9 drug detection training at Minot State University. While the drugs were consistently stored in M.O. Batteiger's locked car, and less commonly in the K9 locker, there was never any indication of theft from either of these locations. The K9 team has no formalized procedure for inventory on the K9 drug kit. Heroin had been used in at least six training sessions from June 23, 2023, to December 14, 2023. The K9 training system, Packtrack, would have been a great resource for tracking the sample use, if proper sample descriptions were consistently used. This was not the case as M.O Batteiger often listed "1 item" instead of using product weight in the *amount* section of the report. As a result, it is unclear when the 15.7-gram sample of heroin went missing. What is clear is that M.O. Batteiger was the only handler to check out the heroin samples from the locker, and he possessed them exclusively, from February 28, 2023, (he checked the other three drug samples back in on November 13, 2023, but kept the heroin sample), until at least November 26, 2023, when he signed the heroin sample back into the locker. This return date is also in question as S.O. Connole checked the kit out on the same day (notably absent the heroin sample) that M.O. Batteiger indicated he had returned it. In his second interview M.O. Batteiger acknowledged that this entry could not be accurate if S.O. Connole had the case in his possession at that time, but he could not give any explanation for the discrepancy. He surmised that he may have listed the wrong date on the log. Further adding suspicion to this situation was the timing of all of this. M.O. Batteiger was in the process of having the kit destroyed for the

impending replacement samples. He did this unilaterally and without the knowledge or involvement of Sgt. Jensen, as he was instructed by Lt. Chapman. In fact, S.O. Connole was under the belief that this process had already happened as per a conversation he had with M.O. Batteiger. M.O. Batteiger acknowledged having this conversation with Connole but indicated at the time he did not understand that he had to wait for a letter from the DEA to destroy the kit. The kit was not permissible to be destroyed, so it was returned to training on December 7th, 2023. The heroin sample was not noticed missing on that date, but an inventory was not completed. Lt. Chapman did indicate that he felt something was off regarding the heroin sample at that training. While these circumstances are suspicious, no evidence of theft of the heroin was found in this investigation. Each of the K9 handlers voluntarily submitted to drug screening and all resulted in negative tests.

Applicable Policy:

I reviewed the following applicable policies:

Policy 309- Canines

Policy 322 - Standards of Conduct

Police 324 – Report Preparation

Policy 700 – Department-Owned and Personal Property

Policy 309 - Canines

309.4 CANINE COORDINATOR

The canine coordinator shall be appointed by the Chief and directly responsible to the Patrol Commander.

The responsibilities of the coordinator include, but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
(b) Maintaining accurate records to document canine activities.
(c) Not reviewed.

Lt. David Chapman is the K9 Coordinator.

(a) There is evidence that Lt. Chapman reviewed all the K9 training reports as they all show that he signed off on them. Lt. Chapman identified a procedure issue and adjusted it based on his evaluation that it was improper for a K9 handler to maintain control of the K9 kit for an extended period (See: Minot Police Department Unit Expectations).

(b) While the accuracy of M.O. Batteiger's reports should have been better, the reports were not inaccurate. Good records are kept via the Packtrack system which documents K9 training activities apart from M.O. Batteiger's neglecting to add weight to describe samples being used.

309.9 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.
All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or Patrol Supervisor.

309.9.3 TRAINING RECORDS

All canine training records shall be maintained by the canine handler and the canine's training file.

Training records are maintained in the Packtrack system. The K9 Coordinator and the K9 team members have access to review these records. The K9 Coordinator finalizes the reports when he signs off on them.

309.9.4 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (N.D.C.C. § 19-03.1-16; 21 USC § 823(f)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Minot Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

The Chief of Police has authorized and made a request for the use of training aids provided by the DEA. The K9 Team was properly registered to maintain these narcotics (See: 2023 K9 forms -DEA Request).

309.9.5 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
(b) Blank
(c) Blank
(d) All controlled substance training samples may be inspected, weighed, and tested. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container.
(f) All DEA obtained controlled substance aids shall be destroyed in accordance with DEA procedures. All other controlled substance training aids shall be destroyed in accordance with department controlled substance destruction procedures.

The investigation found:

(a) All controlled substance training samples were weighed upon receipt and broken to smaller sample sizes.
(b) blank
(c) blank
(d) There is no record of the substances being inspected, weighed, or tested nor did any of the handlers make any indication that this was a practice. This section indicates," substances training samples **may** be inspected, weighed, and tested". The failure to do so may be poor practice but is not a violation of this policy.
(e) All samples, except for the missing sample, were stored in an airtight, and watertight pelican case. This case is not locked as required by this policy. The case was stored for extended periods of time in the back of M.O Batteiger's locked patrol vehicle. This policy does permit a locked case, secured in the trunk of a K9 handler's car during transport, but Batteiger had an unlocked case in the back of his patrol car for approximately 8 and ½ months. Furthermore, this goes well beyond transport of the drugs and the intent of this policy. It should be noted that storage of the drugs in a patrol car was an accepted procedure at the time and up until Batteiger returned the drugs on November 13, 2023, but at that time he was directed by Lt. Chapman not to store them beyond 3 days. He was again in violation when he stored heroin in his car outside of the locked pelican case, for up to 13 days, between November 13, 2023, to November 26th, 2023.
(f) M.O. Batteiger was in the process of starting the destruction of the drugs in this kit when he learned that he was required to wait until receiving a letter, permitting their destruction, by the DEA. He did suspend his effort to destroy these drugs, so as to be in compliance with DEA procedures.

Policy 322 – Standards of Conduct

322.2 POLICY

The continued employment or appointment of every member of the Minot Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

322.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

On or before November 13 Lt. David Chapman, the K9 Coordinator, gave the K9 team a document titled *Minot Police Department K9 Unit Expectations*. This document was as a lawful order to the K9 team. In section 10 of this document Lt. Chapman directs the team to "treat and maintain training aids properly".

As part of this order, he made modification to the procedure of checking out and maintaining drugs outside of the K9 locker. In this order he required the K9 handlers to check the training aids via the digital app. He limited the time the handler could maintain training aids to three days (or 72 hours) for a full kit, or 7 days (or 168 hours) for half of a kit. After this order was given, M.O. Batteiger admitted that he returned the K9 drug kit to the locker, but immediately checked out the heroin sample for an additional 13 days, in disregard for this order.

322.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

322.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

M.O. Batteiger disobeyed Lt. Chapman's order by maintaining the K9 kit outside of the K9 locker for 13 days.

Police 324 – Report Preparation

324.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution.

324.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

324.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor.

324.2.2 NON-CRIMINAL ACTIVITY

Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

Lt. Chapman, as well as MPD Policy 309, expressed the importance of maintaining records to show that the K9 team members are appropriately trained. To this end, he initiated the Packtrack training log system. This log permits K9 handlers to submit detailed reports about their activities. Lt. Chapman has instructed his handlers to log their reports within 24 hours of the event. Policy 324.1.1 requires the reports be "sufficiently detailed for their purpose". M.O. Batteiger appears to be the only handler to neglect to document the weight of the training sample. This proved to be problematic when trying to narrow down when the 15.7-gram sample was last used, resulting in substantially more effort being expended in searching for the missing sample.

Policy 700 – Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

The policy addresses the care of department-owned property and the role of the Department when personal property, the property of another or department-owned property is damaged or lost.

700.3 POLICY

It is the policy of the Minot Police Department that members shall properly care for department property assigned or entrusted to them...

700.4 DEPARTMENT-ISSUED PROPERTY

All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log; receipt shall be acknowledged by signature...

A drug inventory log is maintained, to track when K9 handlers have access to the K9 drug kit. Maintaining an accurate log is essential as any discrepancies in the log leads to questions of impropriety. A discrepancy was observed in the November 26, 2023, entry where M.O. Batteiger noted returning the heroin sample to the kit, but a subsequent entry by S.O. Connole, checking the kit out on November 26, 2023, shows that the heroin was not present in the kit (see: Image 2). M.O. Batteiger acknowledges that his entry cannot be accurate. It is also note worth that the entry appears to have been altered from a "1" in the day, to a "2" (changing the day from 11/16/23 to 11/26/23). Lt. Chapman indicated that he created a digital log that could not be altered, but the log was not used by M.O. Batteiger or S.O. Connole.

700.4.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property that has been assigned or entrusted to them. Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, in circumstances where misconduct or negligence caused the loss, damage or unserviceable condition.
2. A review by command staff should determine whether additional action is appropriate.

It is not clear when the 15.7-gram sample of heroin when missing, but M.O. Batteiger is the only K9 handler to sign this sample out of the locker. As a result, he took responsibility for this sample and should have accounted for it. He acknowledged that he does not regularly maintain inventories of the K9 drug kit as part of his process. Lt. Chapman reported asking M.O. Batteiger if he had everything at the end of the December 7th, 2023, training. It was at the next training that the sample was learned to be missing. S.O. Connole did not check the K9 kit out of the locker but acknowledged taking the kit from M.O. Batteiger's car in preparation for the December 14, 2023, training. S.O. Connole should have inventoried the kit at that time to ensure that he had the whole kit in his possession.

Officer #5 (current MPD Sgt) – referred to as Sgt. Y

- 12 yr MPD officer. Bomb commander, K9 handler
- Sgt. Y started our conversation by speaking about all the officers we've lost over the last 24 months. Really good officers according to Sgt. Y. Sgt. Y gave a number of names as examples - Laudenschlager, Fowler, Moss – more were named but I couldn't write fast enough.
- Sgt. Y mentioned the things that she sees as issues within the department – including, but not limited to, inconsistent discipline, poor communication from brass, getting in trouble for speaking up about officers' questionable behavior, no transparency, not disciplining unethical behavior from fellow officers, failing to maintain ethical standards in the department.
- Sgt. Y provided an example of these issues by recounting the case of MO Batteiger, who, while attending K9 training in Minnesota, would drive the department vehicle to Fargo each night to visit his girlfriend—despite being married at the time. Sgt. Y reported this behavior to her superior, Cpt Sundheim, who responded by saying, 'We are not the morality police.' This lack of accountability deeply upset many within the department, as they felt such conduct should have been addressed. Sgt. Y provided further examples of MO Boettiger's infractions that were not 'disciplined'. These have all been mentioned by previous officers in their statements so I will not repeat them as they are the same/similar. Sgt. Y indicated that MO Batteiger had 7 writeups and still worked for the department. These issues were the same as mentioned in Sgt. Xs interview. Sgt. Y spoke of the letter she wrote in 8/2023 to Cpt Sundheim about the deficiencies in training with MO Batteiger and his K9 – Sgt. Y was told "she lacked supervisor maturity" for bringing up such issues, even though it was her job as the Senior K9 officer. The letter/complaint was 'squashed' and not much happened with MO Batteiger – and this was after most of his other writeups.
- Sgt. Y then started talking about the lost 15.7g of Heroine, given to the Minot PD, for training with their drug K9s. Sgt. Y told me that MO Batteiger had check the drugs out of the "locker" in Feb '23 and when they went to use them for some multi department training in Nov. of '23 that the 15.7g package was missing. Because MO Batteiger was the only officer at the time that had a drug K9, he kept the drugs in a case in the trunk of his patrol car at home each night, rather than in the locked room and locker they were normally kept in. Sgt. Y also spoke about the tracking/training system they use in the K9 world – after training with their dogs they have computer program where they log what drugs were used, how the K9 reacted during the training etc. MO Batteiger was the only officer within the K9 division that didn't put the weight of the drugs used in his reports. SOP was to put the weight into the report. It was mentioned in the investigation report by Cpt Plessus that MO Batteiger didn't utilize the program the way it was intended. During this time, MO Batteiger was the only officer to check out this "drug sample". It was used a couple times in the 9 months that MO Batteiger held the sample, but nobody knows for sure when it disappeared. It was noticed in Nov. '23 when they realized right before the multi department training that it was missing. Sgt. Y also mentioned that after the drugs went missing, no investigation was started until after Christmas that same year.
- Sgt. Y continued her story by telling me about how the 'drug kit' gets changed out each year so the drugs don't lose their potency. Lt. Chapman had instructed MO Batteiger NOT to do anything with regard to destroying the drugs without Sgt. Ys help and approval. Most of this

is detailed in Cpt. Plessus's investigation report and if you haven't read it in its entirety, I would suggest reading it.

- In Feb. '24 Sgt. Y was called into Chief's office and Cpt Sundheim was in there as well. Sgt. Y was told that the drugs couldn't be found, but they had taken MO Batteiger's K9 from him.
- Sgt. Y also told me of an incident in which MO Batteiger had volunteered to pick up "bobblehead toys" for the brass for Christmas one year. Officers each pitched in $20 and they collected $300 in total. When Christmas arrived MO Batteiger failed to produce any bobbleheads and everyone wanted to know what happened to their money? MO Batteiger made some excuses and just never returned his fellow officer's money. Other officers I spoke with spoke of this incident as well.
- I asked Sgt. X what he thought would help fix things within the department. Here were Sgt. X's responses:
    - Culture change within the dept. "used to be a family, that was taken away when Chief was put in place"
    - Reestablish trust with the rank and file – trust has been lost by Chief, Capt Sundheim and Cpt Sundbakken
    - Let the beard/hair policy be implanted. He started a committee to write/change it all. They put in 4 months work on it and it's been laying on Chief's desk for 8 months. Another example of no decisions being made.
    - Quit covering up for poor officers and/or their unethical behavior.

Officer #6 (Current Minot PD MO)

- 7 yr MPD officer – patrol
- Officer #6 started our discussion by stating he was worried about retaliation, but at this point he had to start speaking up because they'd lost so many good people at the MPD.
- Officer #6 went into detail about issues within the department from his point of view. He said ideas or recommendations from rank and file are never given any merit – "they don't want to hear from us, whether it's making things more efficient, safer, etc." "We've always done it this way; we don't need to change" is usually the response. Ideas/suggestions go nowhere – if it doesn't come from Chief, it isn't a valid idea. Chief told everyone in the department after taking over 'You are all replaceable'. This affected moral quite a bit.
- Officer #6 also mentioned that command staff is never around. They don't see some of them at all during the day, Chief never seems to be around and they all have reasons to leave early most days. At one point Officer 6 said "Chief was gone for a month and nobody noticed"
- Officer #6 recounted a 2020 incident where he responded to a call but encountered a significant issue: his radio microphone attachment was malfunctioning, preventing him from calling for backup. Despite repeatedly notifying Lieutenants and Captains, including Houge and Sundheim, about the persistent radio issues, his concerns were largely disregarded. This neglect became critically apparent during a chase at the Enerbase gas station north of Minot on Highway 83. While pursuing a suspect, Officer #6 attempted to use his malfunctioning radio to request assistance, but was unable to make contact. After apprehending the suspect, he engaged in a physical altercation without backup. A second officer, who had heard the initial call, arrived to assist but faced the same radio failure. In response, she used her personal phone to call 911 for additional backup. The lack of support was compounded by the fact that no command staff reached out to check on the officers' well-being or offer assistance after the fact. Instead, Chief remarked, "Do our officers need to be coddled?" This response was deeply disheartening for Officer #6 and his colleague. Officer #6 was told that the fight really wasn't that big of a deal.
- Officer #6 was at one point called into Cpt Sundheim's office and joining the SWAT team. Cpt Sundheim placed him on the SWAT team, but officer #6 was told by Sundheim that if he kept 'causing issues' with complaints, that they'd remove him from SWAT. WOW
- Officer #6 highlighted a significant issue with the command staff's lack of support and follow-through, noting that decisions are frequently stalled. He specifically referenced the Uniform Committee's work on the beard and hair policy—a seemingly minor issue, yet one that could have positively impacted morale and made officers feel heard. After the committee developed the new policy, it was submitted to the Chief, who responded with a dismissive comment: if he did not address the policy by April 1st, officers should assume it was rejected and proceed with shaving. This response underscored the broader problem of inadequate support and decision-making within the department. He also mentioned no support from command staff with regards to recruiting when officer #6 came to them with an idea to recruit more from the MSU criminal justice program. I guess we are not recruiting from our college here in Minot at all.
- Officer #6 also addressed the issue of shifting promotion criteria, describing how the selection standards seem to change arbitrarily. He explained that while one round of

promotions might prioritize specific criteria, subsequent rounds often introduce new, unpredictable factors that affect the top candidates' chances. This inconsistency has led to the departure of several qualified individuals who perceive the promotion process as favoring personal connections with the Chief or Captain Sundheim over merit and leadership qualities. Notable officers who have left under these circumstances include Laudenschlager, Moss and Kasson. While Sgt. Schoenrock who is still with the department, has been passed over multiple times and nobody knows why. "He's one of the best Sgts we have". Favorites are played a lot.

- Officer #6 noted that they have yet to receive their 2023 evaluations, a concern that appears to be widely shared within the department. Additionally, they pointed out that following the "FREE SPEAK" meeting initiated by command staff in 2021-2022, several officers who voiced their opinions received negative remarks in their files and reviews, specifically citing "negative communication with superiors."
- Officer #6 also mentioned inconsistent discipline, CPSM study that nothing has happened with regards to the suggestions, the 1 on 1 meetings that never happened, our progressive punishment policy – which only seems to be applied to certain officers and not others.
- Officer #6 concluded our meeting by addressing ongoing concerns within dispatch. This issue has been raised in multiple interviews, underscoring its significance. Officer #6 described a hostile work environment in dispatch attributed to the PSAP, noting that this situation has led to the departure of several skilled dispatchers. He also mentioned a new policy implemented at the beginning of 2024: with two dispatchers required to be on duty at all times, if the shift is staffed by just two individuals, they are either unable to take breaks or must use PTO to leave the room for lunch. This is necessitated by the need to call in additional staff to cover breaks. I'm pretty sure this is against state and federal law.

Officer #7 (past MPD officer)

- 7 years with MPD – left department because of issues from brass in 2022.
- Officer #7 mentioned a lot of similar issues during her time at the MPD – including inconsistent discipline, lack of support or care from the brass, the issues in dispatch and how unsafe it was for officers because of the lack of training – stems from PSAP and other things.
- Officer #7 introduced two new issues that had not previously been raised. Firstly, she reported instances of sexism within the department, specifically from a couple of lieutenants. While these comments did not personally affect her, other female officers have expressed discomfort with remarks made by Lt. Wagoner and possibly Lt. Dyke. The second issue raised was more concerning. Officer #7 disclosed that a relationship with a fellow officer had turned abusive. When she sought assistance from Chief Klug, requesting a shift change to avoid the officer, her concerns were dismissed with the advice to "just stay away from him." This response parallels the situation described by Officer #1 regarding concerns about MO Batteiger, highlighting a troubling pattern where the Chief seems to dismiss serious concerns, leaving officers in untenable and unsafe situations.

Officer #8 (current MPD Sgt.) – referred to as Sgt. Z

- 14 years with MPD, Community outreach officer, Cadet Program coordinator
- Sgt. Z articulated several concerns regarding departmental issues, including the need for updated equipment—a matter previously unmentioned. He also highlighted a perceived lack of support from senior leadership, noting their frequent absence. Additionally, Sgt. Z expressed frustration with the fluctuating criteria for promotions, which seem to disadvantage qualified individuals not part of the 'favorites' group. He criticized the command staff for their lack of follow-through on commitments and inconsistent discipline within the dept.
- Sgt. Z mentioned that since the change from patrol to evidence he's really noticed the moral issue within the department that comes from the above issues.
- Sgt. Z was forthright about his previous disciplinary issues during his time on patrol, but he described the most recent write-up while assigned to evidence as particularly troubling. In this instance, Sgt. Z proposed an improvement to the drug receiving procedure in the evidence room to his lieutenant. He was instructed to formalize the suggestion and present it to the command staff. Despite following this directive, the proposal was never discussed further. After waiting four months with no feedback, Sgt. Z decided to implement his idea by relocating the vacuum sealing machine from inside the evidence room to outside, aiming to streamline the process by reducing the number of individuals handling evidence before it was sealed. However, upon observation by Chief and/or Cpt. Sundheim, Sgt. Z was reprimanded the following day for 'testing' an unapproved idea. He expressed frustration over the lack of communication during the four-month waiting period. Ultimately, the vacuum sealing machine was returned to the evidence room, and the proposed change was never revisited.
- Sgt. Z provided a detailed account of the lack of support from command staff. He noted that senior officers seldom attend public events or engage with the community, citing the upcoming MSU homecoming parade on Saturday, September 14th, as an example. He questioned whether any of the command staff had volunteered to assist with the parade, given the shortage of officers – this was a rhetorical question as they had not. Sgt. Z contrasted this with previous administrations, where senior leaders were more visible and involved in public affairs.
- As the Cadet Program Coordinator, Sgt. Z reported receiving no support from command staff, although he indicated that this lack of assistance allows him to manage the program according to his own vision. Additionally, he spoke positively about MO Batteiger, commending his consistent willingness to support the cadet program whenever possible.
- Sgt. Z spoke about the change to 4 duty shifts from the 3 that they currently have. He said it upset some officers, because of how short staffed they are. They don't have the people to cover 3 shifts, why would we create another?
- Sgt. Z spoke about the lack of recruiting in the PD...he said we don't utilize MSU, we've stopped going to Lake Region and that we pass over some candidates that could be good cops with some training, but the brass 'doesn't seem to want to train anyone'.
- Sgt. Z took over the evidence room two years ago with minimal training or guidance. Upon assuming the role, he discovered significant disorganization and inefficiencies, including evidence stored improperly and a general lack of systematic categorization. He undertook

efforts to rectify these issues, introducing a categorization system that had not previously existed and clearing out obsolete or 'dead' evidence, which created substantial additional space. To further optimize the evidence room, Sgt. Z requested additional shelving to accommodate the improved organization. Noting that extra shelves in the SWAT bay were cluttered with garbage and equipment, he sought permission from command staff to repurpose one of these units. After receiving no response for several months, Sgt. Z took the initiative to clean out the SWAT bay, organize the remaining equipment, and relocate one shelving unit to the evidence room. Sgt. Z finished his clean up and then went on vacation. Upon returning from vacation, Sgt. Z was reprimanded for 'insubordination' due to moving the shelf.

- Sgt. Z highlighted another issue that underscored the lack of guidance and support from command staff. During the spring auction cleanout in 2024, a significant task for which Sgt. Z was responsible as the evidence sergeant, he requested additional help and volunteers. Despite the magnitude of the undertaking, only four officers volunteered, two of whom had to leave early. Although command staff were aware of the staffing shortfall, they neither intervened to assign additional personnel nor offered assistance themselves.
  As a result of the limited help, a few minor errors occurred during the auction, including the sale of evidence that should have been returned to victims. While these mistakes were not entirely Sgt. Z's fault, and were subsequently rectified with items and funds returned to the appropriate individuals, he was nonetheless held accountable and written up for the issues. The problems might have been avoided had there been adequate support during the auction.
- Sgt. Z was subsequently assigned the task of developing a Standard Operating Procedure (SOP) for evidence intake, storage, and auction sales. He meticulously prepared a comprehensive 48-page SOP binder and presented it to his lieutenant and captain. After briefly acknowledging the effort with a "great job," they promptly returned to their discussions, showing little engagement with the document. This response further illustrates the broader issue of inadequate support from senior leadership and a general lack of concern for the perspectives and contributions of officers.

**This was the officer that Chief referenced in our meeting when he grabbed the file from his desk, through it on the table and said should I fire this guy too instead of suspending him.

Officer #9 (current MPD MO)

- 9 yr PD officer, bomb squad, patrol officer
- Officer #9 started our conversation talking about the issues that he sees every day in the PD – including the lack of support from command staff. Specifically, if you make suggestions or try to give a helpful comment – nobody wants to hear from you. He said there is really no active recruitment at the PD and asked specifically about approaching MSU criminal justice department to possible let them come in and speak, teach etc....no response given from command staff. "Command staff is where ideas go to die"
- Officer #9 said he believes we are losing officers at an alarming rate because of the lack of support from command staff. "They don't tell us good job or anything positive...the only time they speak with us is if we are in trouble."
- Officer #9 remarked that Captain Sundheim, who oversees patrol, appears unfamiliar with his officers. This was evident during a conversation in which Captain Sundheim mistakenly addressed Officer #9 as another officer, highlighting his lack of recognition and familiarity with his own team. "Sundheim doesn't even know his officers"
- Officer #9 addressed concerns regarding the promotion board criteria. He recounted his experience of testing for the Sergeant position three times, where he ranked among the top three candidates 2 of the 3 times. Despite his strong performance, he was passed over for promotion each time. Following his most recent application, he received feedback stating that he lacked the "big picture" perspective required for the role. This vague comment left Officer #9 perplexed, as he was not provided with a clear explanation or actionable guidance on how to improve. This lack of clarity highlights a recurring issue of ineffective communication and insufficient support from command staff. Officer #9's experience underscores a broader problem within the department, where critical feedback is often imprecise and unhelpful, leaving officers with a diminished understanding of how to advance in their careers. He also mentioned that he didn't even get to test for Sgt. In 2020 or 2021 due to covid issues, but other officers did.
- Officer #9 subsequently noted that he was removed from the Field Training Officer (FTO) program following complaints he had made about command staff. He was informed that reinstatement in the program would require reapplication. He found this particularly unusual given that another officer, who had been removed from the FTO program for showing up to a shift intoxicated, was reinstated without the need to reapply upon his return from a 6-month hiatus. This discrepancy exemplifies the inconsistent application of disciplinary measures within the department.

Officer #10 (current MPD Sgt.) – referred to ask Sgt. Q

- 19 year MPD officer.
- Sgt. Q has had 4 different Chiefs since starting with MPD. Prior to this Chief, MPD was a family feeling organization. Things changed when Chief was appointed in 2020. Chief Klug and Cpt. Sundheim regularly spoke disrespectfully – talked down to whole staff. "you're all replaceable". I've heard this multiple times from officers...this really upsets employees and it is said quite frequently.
- When Chief was promoted, Sgt. Q had been doing Lt. Redding's job, without any type of compensation. He was happy to do it, as Lt. Redding was a good friend and his Lt. who had been med relieved. Sgt. Q thought it was great experience and hoped it would lead to promotion to LT.
- Sgt. Q – is well liked and every other officer I spoke to within the department had nothing but great things to say about him. "He should've been promoted, He's a great cop, I would've left if it hadn't been for Sgt. Q".
- Sgt. Q was/is on the SWAT team for Minot PD – during his career – Darin Egge had been SWAT commander. Egge developed cancer while at the MPD, but continued to show up for SWAT training. Egge would tell them at training, I'll show up until I can't. After Egge could no longer be SWAT commander, Cpt. Sundheim became SWAT commander. He never showed up for training and still doesn't to this day. SWAT is very rarely used within the MPD because of Cpt. Sundheim's urging.
- Cpt. Sundheim has two different domestic violence incidents while working for MPD. One with girlfriend (Christie) and one with current wife Jess. Both incidents were brought to supervisors' attention and squashed. In one of the incidents...Cpt Sundheim allegedly put a gun to his girlfriend's head. Sgt. Q was good friends with Cpt. Sundheim's wife (she was a MPD officer for a while as well). She ended up in the hospital after one incident and when Sgt. Q went to check on her, she said, "He's getting help".
- Sgt. Q spoke about some of the previous discipline at the dept. – specifically speaking about Wilke and another officer who were both fired for relatively minor offenses (one of them for giving out a door code during COVID). There were a number of officers violating COVID policies that were put in place (videos online of officers out partying with no masks etc.) but none of them were let go. Inconsistent discipline.
- Some of these issues were brought to Cpt. Sundbakken during this time – it never went anywhere. "if you were part of the in club, you got away with things". Sgt. Q said not many people have confidence in Sundbakken as he rarely follows through with reports up the chain of command. Sgt. Q also told me to look in to the Shannon Lackey incidents – her and Chief were good friends and drinking buddies; he protected her at the department until she punches people drunk in the bar the final time.
- Sgt. Q also mentioned some of the sexism issues at the MPD. Specifically, Lt. Wagner and Lt. Dyke – always saying inappropriate things to female officers. Most weren't too bothered by it...always "oh that's just Wagner" but there were a few incidents where female officers spoke with Sgt. Q about some very inappropriate comments from Lt. Wagner.
- During all of this time the brass never showed up for meetings, they didn't know their officers and most of the MPD officers were upset about these things. Officers were scared

during COVID and to not have leadership around bothered almost every officer out on the road. Meetings were called – no Chief, no Cpts. No Lts. Showed up

- As mentioned before Sgt. Q had been doing Lt. Redding's job for almost a year. He was the number 1 Lt. candidate going into the promotions board. He was passed over for Lt. Dyke who was Chief's buddy. Sgt. Q took this personally he admitted.
- During 2020-2021 an internal investigation was started into Chief for a few things...including hostile work environment. During this investigation, Cpt. Sundheim called for a 'Free Speak" meeting for the officers. They were told you can speak freely, there will be no consequences. Sgt. Q was running the night shift and his guys approached him to ask if they should speak up or not. Sgt. Q told them, "Just tell the truth, if you don't speak up now, you have no one to blame but us". Cpt. Sundheim 'lost his mind' after the meeting when officers spoke up – he blamed Sgt. Q for this. If asked Sgt. Q if he went to HR with any of this. Sgt. Q said there is a lot of distrust with HR because Lisa Jundt and Chief are friends and have been seen drinking together.
- People who spoke up at Cpt. Sundheim's free speak meeting were given crap details, assignments and basically 'slapped around' for saying something.
- During the COVID and investigation stuff – the night shift guys started 'One PD' slogan with a "Sammy Sosa" kiss to the heavens gesture. Sgt. Q explained it as a moral building thing during COVID and it became popular for all shifts to make the gesture when they saw other officers. Cpt. Sundheim took this as a personal attack, because he was the one who came up with the One Dept. slogan. Lt. McCloud told Sgt. Q that he was stirring the pot by making the gesture at Cpt. Sundheim's urging. Very passive/aggressive behavior from brass after this. A letter of reprimand was put in Sgt. Q's personnel file and he was blamed for the attitude of the 'agitators' who spoke up.
- Sgt. Q was dealing with injuries during the '21-22 years. He had physical issues with his neck, back etc from doing the job.
- Sgt. Q spoke about a past officer – SO Bjork. He indicated what a great officer she was and "how we need more like her". SO Bjork went to HR about some of the issues and it was largely ignored. There was a incident between Shannon Lackey and SO Bjork at a fellow officers wedding dance. Lackey attacked Bjork at the dance. The next day Sgt. Q was asked about the incident by Cpt Plessus. He said there were multiple incidents like this with Lackey when she was on the PD...but it was always swept away because of her friendship with Chief. Sgt. Q mentioned during the last 4 years we have lost 'dozens' of officers who we shouldn't have lost because of the way the dept. is run. Indicated we have 'lost 200 years of experience' in 4 years.
- When the City Council investigation happened in 2020/21 – nobody reached out to speak with Sgt. Q – and they were told to by other officers.
- Sgt. Q spoke about how all officers deal with external drama everyday – patrol, home life etc..he said 'we have enough drama to deal with, we don't need internal drama at the dept' – it adds to mental stress daily.
- Sgt. Q spoke about his 2nd interview for Lt. He was either the top Lt. candidate or second candidate...he couldn't remember. He noted how odd the interview portion of his promotion board was. He was asked questions about what his position was within the PD and who he's in charge of? He was also asked how he'd disseminate information to other

officers within the dept. He said "I told them I'd just go talk to them" – Cpt Sundheim's response started with "here's the problem with that". They don't want us talking to the lower grade officers. Sgt. Q said he knew he wouldn't be promoted this time either, because he'd called for an investigation in the Lackey incidents and both Chief and Cpt. Sundheim knew it.

- Sgt. Q spoke with Councilman Pitner a couple years ago when he and Councilman Podrygula were looking into allegations at the MPD. Nothing ever came of it.

Officer #16 (former MPD officer)

- 5 yr MPD officer – Patrol, Investigations
- Officer 16 mentioned that her immediate supervisors were Lt. Houge, Sgt. Burns and Sgt. Wilke; with command officers being Cpt. Sundbakken. Officer 16 said Cpt. Sundbakken is a 'yes' man to Chief Klug and that he has no leadership whatsoever.
- Upon being moved to night shift her supervisors changed to Lt. Redding, Sgt. Schoenrock, Sgt. Ruell and Sgt. Chapman
- Officer 16's career started in 2015 as a patrol officer – she said she'd been paired up with some 'salty, burnt-out officers' but that she'd been trained well and enjoyed patrol. She then went to academy – during which time she was having some health issues – most of it being stress related (not all work stress). She finished academy even though she was having health issues. This was recognized by fellow officers and one commented "you have a lot of will power and determination to finish while sick".
- After academy training was over, officer 16 was assigned to the night shift to finish off her training. For some reason, officer 16 was transferred back to days (I believe they were short staffed). Officers Clouse and Gates were her training officers. Sgt. Lackey was her direct supervisor for a short time. Officer 16 stated how Sgt. Lackey was very 'hard' on the other female officers in the department, stating "that's how she was trained". After finishing her training on days, she started her official assignment on afternoon shift.
- Officer 16 didn't speak much about her time on the afternoon shift, other than to say that she had some issues with Sgt. Wilke – but mentioned not much happened, because if Chief liked a particular officer and you complained, it just disappeared. Sgt. Lackey was still being hard on female officers, so officer 16 spoke with Sgts Burns and Houge about it. Nothing happened. (Lackey and Klug very close friends).
- Officer 16 admitted that her moral started to falter. She spoke with Cpt. Whitesell and was moved from afternoons back to day shift patrol. Sgts. Plessus, Jess Sundheim and Lackey were her direct supervisors. Lackey continued to be very hard on officer 16 and the other female officers in the department. "If Lackey was in charge for the day, everyone knew it was going to be a tough day". Officer 16 was written up by Sgt. Lackey for swearing during an arrest. Sgt. Lackey didn't care if other officers swore during citizen engagements and failed to write up male officers for the same behavior.
- During this time, she worked a lot with Officer Clouse – officer 16 said she wouldn't have made it through if it wasn't for fellow officers Clouse and Lund. She spoke with some of the Sgts. about Lackey's treatment of the female officers. Sgt. Burns looked into it and spoke with all the female officers and the consensus was Lackey 'sucks as a supervisor' and she was harder on female officers than their male counterparts. Sgt. Burns pushed it up to command staff and nothing was every said about it again.
- 2018/2019 Officer 16 was moved to investigations. She had expressed interest in working financial crimes and arson crimes and was told she would be able to do that. After moving over to investigations, based on the notion she'd be able to work the types of crimes mentioned above. She was given almost every domestic violence case that came to the department instead. Officer 16 asked if when she wasn't working a case, could she get some training on the arson and financial crime areas. She was told no by Lt. Wagner. Lt. Wagner also started pressing officer 16 about small mistakes – typing errors, etc. Officer 16

mentioned that her direct reports Lt. Sundheim, Lt. Wagner and Sgt. Wilke overly critical management of her made investigations an 'awful place' to work. "They were critical to the point of causing me mental stress." She was given little to no training and no guidance in investigations, just left to figure it out on her own. Officer 16 mentioned it was apparent the 3 of them "didn't want her in investigations". Lt. Wagner again became quite critical of officer 16 and how she was doing her reports. Officer 16 asked Lt. Wagner what she was doing wrong and how should she correct it. Lt. Wagner couldn't give her specifics, just said "they just aren't right".

- On officer 16's 2018 department review she received all 3, 4 and 5s and was told 'you have some areas to work on'. Shortly into 2018 officer 16 went on maternity leave and when she returned things were much harder. She said the 'culture' in the dept. was awful – the investigators would go to lunch together each week, officer 16 was excluded from these lunches. Officer 16 also said they talked about her quite a bit behind her back and that it usually got back to her. These things made officer 16 was uncomfortable and she went to Lt. Wagner and said "if I'm not a good fit for this department, can I go back to patrol?" The response was, you're doing just fine.
- Officer 16 during her time in investigations like to go out to the crime see and look at it for herself. Officer 16 also liked to follow up with witnesses to make sure she was understanding the whole story. Officer 16 was told 'you are doing things incorrectly. Your job is not to go out there. That's not how you investigate." Officer 16 was confused by these comments. Lt. Wagner also continued to criticize officer 16 about the reports she was writing. Officer 16 mentioned how her immediate supervisor said her reports looked good and how they were similar to other officers' reports. Officer 16 asked Lt. Wagner to explain how he would like her to change the reports, to which he responded "I can't, just meet with Dave (immediate supervisor) more".
- Officer 16 next recounted an incident in June of 2019 where she was investigating a domestic violence situation. Officer 16 recounted how the DV 'victim' wanted to make sure her voice was heard, so officer 16 met with her. After meeting with the female involved in the DV incident, officer 16 issued a warrant for the male DV individual's arrest. After meeting with the female DV individual and then watching the video that the male DV individual had recorded, officer 16 realized she had made a mistake and that the female DV individual was the aggressor in the DV case. Officer 16 admitted she had been struggling some at this point as her baby had not been sleeping well and she was pretty tired. She went to Dave (supervisor) and told him "I messed up". Officer 16 shows Dave the video and he agrees with her assessment. He asked her how she was going to correct it and officer 16 told him she had already retracted the warrant with the SA. Supervisor Dave said 'Ok, finish taking care of it."
- Because of this incident, officer 16 met with Chief Olsen. He told officer 16, "good catch. How are you going to fix this." Officer 16 explained how he had retracted the warrant and taken care of the situation. Chief Olsen and officer 16 spoke about her 'struggles' after coming back from maternity leave. Chief Olsen asked officer 16 if she'd prefer to move back to patrol. She responded with "yes, that'd be great. I've been asking in investigations if I could go back." After this meeting with Chief Olsen, officer 16 met with Supervisor Dave again and recounted the meeting. She mentioned that Chief ok'd her going back to patrol,

but Lt. Wagner and Lt. Sundheim would not let officer 16 go back to patrol – no reason was given. Lts Wagner and Sundheim continued to make things very hard on officer 16. This frustrates Officer 16 very much, but she goes back to work.

- Approximately 45 days after the domestic violence incident, Lt. Wagner informed Officer 16 that an internal investigation had been initiated regarding the oversight. Throughout the investigation, Lt. Sundheim and Officer Guerton held several closed-door meetings, during which Officer 16 overheard her name mentioned multiple times. When she inquired with her supervisors about the situation, she was reassured that "everything is fine."
  Sometime later, Officer 16 was summoned to Lt. Sundheim's office, where she was read her Garrity rights. During the meeting, Officer 16 acknowledged her mistake, telling Lt. Sundheim, "I know I made an error, and I took responsibility for it. It's been corrected." Lt. Sundheim then asked her to review the video footage and explain what she observed. During this discussion, Officer 16 questioned why, if the department was dissatisfied with her performance in investigations, they hadn't allowed her to return to patrol as Chief Olsen had suggested. Lt. Sundheim responded, "We don't have the personnel for you to go back. She also asked Lt. Sundheim why the investigation was taking place as she'd already met with Chief Olsen and he was ok with how the situation turned out. No response was given. Other officers within the investigation unit commented to officer 16 after the meeting, "they are focused on you."
- Officer 16 said she left that meeting feeling like Lt. Sundheim was trying to get her fired. The internal investigation went through its process and nothing came of it. Officer 16 said that she received NO support from command staff in investigations.
- After the internal investigation, Officer 16 received her 2019 performance review, in which Lt. Wagner rated her highly in most areas, with scores she recalled being mostly 4s and 5s. However, during the review, she was told, "This is where we are at – we're concerned about your judgment." This comment deeply unsettled Officer 16, shaking her confidence, and it continues to affect her to this day.
  At that time, she was given an ultimatum: either return to patrol willingly or we will force you to go back. Officer 16 expressed frustration, noting that she had been requesting to return to patrol for months. She agreed to the reassignment but asked if she could be placed on a day shift, as she had a newborn at home. Throughout the review, she felt that Lt. Wagner was condescending toward her.
  Disturbed by the comment questioning her judgment, Officer 16 became emotionally upset and asked to take the rest of the day off, citing her mental state. She was granted the remainder of the day off. Officer 16 also mentioned that she felt Lt. Wagner was unsupportive of women in law enforcement, which added to her frustration. This is the second or third time this comment has been made while talking with female officers, both current and previous.
- Officer 16 went back to patrol day shift where she had Sgt. Lackey as her direct supervisor. After Chief Klug took over in 2020, Sgt. Lackey was promoted to Lt – over Sgts. Noyes and Baubeneck, both of whom she said were great. Where did Lackey rank on the promo board vs. Noyes and Baubeneck?

- In January of 2020 officer 16 received an email from Chief Olsen as he was retiring. In the email Chief Olsen spoke about how good of an officer she was and that'd she'd be great for the next Chief.
- The selection process for the next Chief began and officer 16 recalled someone from the city coming in and asking officers who would be their choice for the new Chief – Cpt. Klug or someone from outside the department. Officer 16 responded that she'd prefer someone from outside the department and she noted that most of the other officers responded the same way. Officers told the city official "Klug and Sundheim would wreck the department." Klug was promoted to Chief and she said moral in the department plummeted.
- Officer 16 again recognized she was struggling. She was unable to shake the 'concerned about your judgement' comment and she was still having trouble with her baby (sleeping etc). During one afternoon shift – altered duty (she'd been moved to afternoons because she'd failed her handgun qualifications) Lt. Lackey said something to her about something she'd done (officer 16 admitted – she'd earned the talking to) but Lt. Lackey was very harsh to her and this upset her very much. Sgt. Foley was a good friend of officer 16's within the department and he tried to 'talk her down' from her emotional state.
- Shortly after this incident, officer 16 was called into Chief Klug's office – where Cpt. Sundheim and Lt. Lackey were in attendance as well. Chief Klug's first words were "we don't want you to feel ganged up on." They remediated officer 16 to handgun training with Officer 14. Officer 16 stated that officer 14 was not a good trainer for her and she continued to struggle with her handgun qualifications.
- Afterward, Sgt. Foley spoke with Officer 16 regarding body cam footage that had surfaced during a review. Although Officer 16 didn't specify what the footage contained, she expressed how deeply it upset her, stating that she felt "targeted." In her distress, she turned in her badge and name plate but failed to surrender her firearm.
  At this point, Officer 16 shared that she had been struggling mentally for some time and was contemplating suicide. She went to the briefing room and called her husband, telling him she was going to end her life. Although external factors likely contributed to her mental state, the way Officer 16 was treated at the department must be critically examined. It seems this type of mental stress was being missed at the department.
  Her husband reminded her of a suicide victim she had once saved, and how grateful that person was to Officer 16 for intervening. Reflecting on that moment, she credits her husband with saving her life that day. She further shared how trapped she felt working at the department, especially with a newborn at home and the financial burden of bills. The idea of taking a pay cut to transfer to another department wasn't an option. She also reiterated the ongoing frustration caused by the lack of communication from Chief Klug and Captain Sundheim.
- Between April and May of 2020, during the height of the COVID pandemic, Officer 16 was informed that her stepfather had been diagnosed with terminal cancer. Chief Klug then told her she would not be permitted to visit her stepfather in his final days or attend his funeral. Time passed, and while on duty one afternoon, Officer 16 received a text from her mother, notifying her that her stepfather had passed away. She was on a call with a fellow officer at the time. After completing the call, she informed her colleague that she needed to call her mother and explained the reason. After speaking with her mother, she texted her husband

to let him know about her stepfather's death. Upon returning to the department, she informed her sergeants of the situation before heading back out on patrol to finish the remaining six hours of her shift.

Shortly thereafter, Officer 16 was called back to the station for a meeting with Chief Klug, Captain Sundheim, and Sgt. Noyes, who expressed concern for her well-being. Officer 16 found this odd, given that they had already denied her the ability to attend the funeral. She assured them she was fine and asked to return to her patrol duties to finish her shift

- A few weeks go by and officer 16 is called in to speak with Chief Klug again. This meeting is about her suicidal comments a few months back. Chief Klug asks officer 16 if she is ok and she responds with "No, I haven't been ok since 2019. I feel targeted by certain officers (Sundheim, Wagner and Lackey) within the department and I'm still having trouble with things going on outside of work." Chief Klug refers her for counseling with Feely and puts officer 16 on administrative leave. During her counseling sessions, officer 16 and Feely discuss her leaving the department. Officer 16 mentioned that she still to this day sees Feely for counseling.
- Officer 16 takes Counselor Feely's advice and starts looking for jobs outside MPD. There are openings at Ward County Corrections and she is hired on for July start. She puts in her notice on June 23, 2020 and hands Chief a resignation letter. Chief Klug won't accept the letter and she takes it over to City Hall to give to HR. (letter attached) Chief Klug made officer 16 write another resignation letter (which is also attached).
- Officer 16 finished up our meeting with 2 very important points. First, she spoke again about the harassment and mental stress put on officers from some of the command staff and supervisors. Second, that the body cam footage review process is being used against good officers who "aren't part of Chief's group of good ol' boys". She mentioned officers like Cory, Lund, etc). Officer 16 also mentioned that Klug/Sundheim started recording conversations.
- To her credit, officer 16 reached out to both Chief Klug and Cpt. Sundheim in December of 2023 to apologize and take more accountability for some of her behavior. She said that apology was met with "lip service" from the two of them.

June 23, 2020

Minot Police Department
ATTN: Chief Klug

To Whom It May Concern,

It is with unfortunate circumstances that I offer this letter as my resignation notification as well as my exit interview.

In 2015 when I was hired on to the Department, never did I dream I would be quitting in 5 short years. My goal was to be a K9 officer, now, that is a distant memory and dream that I find that I am not quite ready for.

As such, my end date with the City of Minot Police Department will be July 10, 2020, where I'll then be working in Corrections with the Ward County Jail.

Listed below will be some points I wish to address in lieu of my exit interview.

- I have come to appreciate this career. While visibly thankless and easy to lose sight of those in appreciation for what I do in my day to day, I have noticed that there is more support, more of a community family, even friendships present in the City of Minot than I ever dreamed of. I could not have been luckier to serve such a kind community's streets.
- I've learned that the blue line spreads across the country, even countries overseas. I have made many connections, networks, and friendships with my other brothers and sisters in blue that I have met from several areas.
- I've learned time and time again that I am tougher than I give myself credit for. I am also more emotional that I am willing to admit and I have seen that come in handy when talking to people, especially victims, who need a shoulder.
- I've learned that teamwork is essential. Simply, #TeamWorkMakesTheDreamWork.
    - But working with other Agencies, such as Highway Patrol, Border Patrol, and Ward County Sheriff's Deputies, is often frowned upon on. If Officers, such as myself, utilize the special deputy exception we are sworn under to assist another agency, we are called off and told it is not our problem. BUT as soon as our Officers are bogged down with calls, our supervisors request other agencies assistance AFTER telling them to get out of city limits.
- I've learned that policy is gold and very little else matters. If it isn't for the good of the policy, it isn't for the good of the order and that policy seems to only apply to certain people and only certain people

- Do not mistake, I understand policy is to protect us, the department, and the community; but does it really hurt to take photographs with other individuals in the community, each other, or family and post it to social media?

Jane Doe 2

- I've learned that many times it is someone's way or the highway and that it is easier to just bend and do it that way, until another someone comes along and then it is only that way. But there are many ways to describe a Lion as well as paint one.
- I've learned that 'big brother' is everything Officers were promised it would not be. Because of that, we watch over our shoulder and anticipate the reprimand, constantly.
- I've learned that those who do no self-initiated work, take little to no calls, and overall 'ghost' during shift get very little consequences and seem to never make mistakes. BUT as soon as an officer who is always out there, making stops, taking the reports, being the community officer we need; they are wrong, make several mistakes, and are often on a formal plan for whatever mistake was made.
- I've learned that as soon as a mistake is made, often it is not addressed immediately, but addressed weeks, and months later.
- I've learned that mental health, while talked about, is not trained for. My best help was my coworkers and shift partner.
- Many aspects with this department is still a 'good ol boys club' and if you're not a part of it, you're wrong, outcast, and often run out of the department. I've seen many good Officers experience this and leave.

This career is hard, thankless on the surface, mentally taxing, emotionally grueling, family disconnecting, dark, sometimes perverted, the product that every salesman must sell but no one wants and passionate.

I truly hope, in the future, that these concerns never come up again. I truly hope our supervisors will lead us and not manage us. I truly hope that this department will be as supportive of the officers as the community is. I also hope that this department will be fun, uplifting, caring, understanding, practical, and rational when those changes come around.

My home and door is always open to any Officer who needs a place, needs a break, is wanting an ear or a shoulder and doesn't mind taking a short drive because I live way out there. I will always be that blue sister to any of the siblings at this department.

Sincerely,

Heather Summers
[redacted]

July 1, 2020

To whom it may concern,

Please accept this letter as my resignation from the Minot Police Department.

My last day with the police department will be July 10,2020.

Sincerely,

Heather Summers

Officer #11 (Current MPD officer SO)

- Current patrol officer for the last 6.5 years, current SWAT officer
- Officer 11 started off our meeting by talking about his performance reviews over the last few years. He noted that he received an excellent review in 2019. Then in 2020 no reviews were done because of COVID. In 2021, after speaking out at Cpt. Sundheim's free speak meeting, he was given a poor performance review. He was unsure why as he'd not been in any trouble. He was told by one Lt. and one Sgt. That he wouldn't promote because he needs to work better with the brass. He asked Sgt. Q and Lt Redding if they'd written the review, they both indicated that it wasn't either of them that wrote the review (who it should have been) – Cpt. Sundheim was the only other person who could/would have done the review. 2022's review was slightly better and they have not received their 2023 reviews yet.
- Officer 11 stated that 'brass doesn't want to hear any ideas that could help, changes that would help with policy efficiencies. "If it doesn't come from the brass, it's a dumb idea". Specifically changes to the patrol areas has been brought up and they were asked to give input – nobody listened when they did give input...disappeared down the ivory hall.
- Officer 11 spoke about how he doesn't feel he will be promoted and I asked him to elaborate on that. He said that he was supposed to be given credit for his associates degree from Alex Tech. He spoke to Sundheim about it – but he didn't seem to care. He said the disparity between associate degree credits vs full college credits makes it hard for recruits from say Alex Tech or Lake Region to get promoted. He also stated that is one of the reasons you see you recruits in the 5-7 year phase of their career leave. This new promotion system was implemented under Chief Klug.
- Officer 11 also spoke about the Uniform Committee that the brass put together to review beards, female officer hair, etc. They worked for 4 months on it, came up with what they believed was a great policy and presented it back to the brass. It has sat on Chief's desk since then with no input whatsoever. He said again – even if they ask us to come up with ideas, if it doesn't come from the brass, it doesn't happen.
- In May of '24 they were told the schedule would be changing from 3 shift to 4 shift rotations. Most officers plan their years in January as they know what days they have off, vacation requests, etc. There were some complaints and everyone was told to "just deal with it". Officer 11 was scheduled to get married at the end of May – this had been planned for over a year. With the new schedule he was scheduled to work the day of his wedding. Cpt. Sundheim knew weeks before about officer 11s wedding but didn't do anything to make sure he was off per his vacation request. He mentioned the brass didn't care about how the shift changes affect any of their officers' lives. Whey they announced the shift change mandate, not once was it mentioned to anyone that their days off/hrs/days worked etc would change. – very poor communication. Ultimately officer 11 got his time off for his wedding, but it was "more of a hassle than it should have been".
- Officer 11 spoke at length about a couple of our PD Lts. Specifically, Lt. Houge (internal affairs) and Lt. McLeod (patrol shift commander). He said that Lt. Houge is very similar to Cpt. Sundheim and his leadership is very poor. Yells and screams at people – very little communication with officers unless 'he needs something'. When he spoke about Lt. McLeod, officer 11 did say "McLeod and Chapman are both good Lts.", but questioned how many times an officer can be accused of sexual misconduct with a minor/child and still be

with the force. Lt. McLeod was accused of sexual assault of a minor in 202 by the Valley City PD. He was again accused this year (2024) by agencies in MT and ID. He was placed on admin leave in January as the investigation played out. He was on leave for 6 months and a letter of discipline was placed in his file. The department was told don't ask or talk about this and it was never spoken about again within the PD. I suggest we pull the out of state investigation reports from ID and MT, as well as the Valley City incident from 2020. He spoke about how the inconsistent discipline in the department has become a 'joke'. He said brass never seem to get in trouble as the lower officers do.

- Officer 11 did say Cpt. Sundheim helped him last year when he had a brief struggle with alcohol. So he did speak well of Cpt in this instance, but still doesn't think highly of him as a leader. To me this speaks volumes, if someone helps you and you still don't respect them as a leader, why is that?
- Officer 11 mentioned he got in trouble one time for putting some kids in for the life saving award, when they drove their friend who had overdosed, to the hospital. He was reprimanded for this because the kids were underage and high and shouldn't have driven their friend to the hospital, thus they didn't deserve to be put in for the award.
- Officer 11 also spoke about the SWAT team as he is a member of it. He said the SWAT Commander (Sundheim) never shows up for training and that Cpt Sundheim has pretty much put the SWAT team on stand down (3 calls in 3 years) because the "perception in the community is poor." "They don't even use us to serve drug warrants." Why do we train and equip our SWAT team if they don't ever plan to use them?
- I asked officer 11 what he thought needed to be done to help fix the issues within the PD. He said, "get brass involved", they just aren't around". Open up the lines of communication and tell us what is going on and come to the officer briefings. He said he hasn't seen a command staff officer at a briefing in about 3-4 years. He also said maybe be more open to ideas that can help the department – whether that be in a moral or efficiency way.

Officer #12 (former Minot PD officer)

- Minot native, 13 years of LE exp. Worked for MPD from 2017 to 2021. No poor performance reviews or discipline during his time at MPD.
- Left MPD to move back south to be closer to family. He said the culture wasn't the main reason he left, but it made it easier to make the decision to move.
- Officer 12 started by speaking about Chief – his very first comment was "Worst chief he has ever worked for (he worked under Olsen as well at MPD). The reasons for this comment he said was because as soon as the torch was passed to Klug – life at the MPD changed. He distanced all leadership from the officers below them, established the "Ivory Hallway", he was out of touch with what was going on within the department and he alienated lower officers through the other command staff officers. One issue that emerged among the command staff was a 'rules for you, but not for me' mentality. He said they would do the same things they yelled at junior officers not to do. (no examples given). Mentioned how they were told quite frequently "you are all replaceable".
- He said Chief never walked around and spoke with any of the officers – "he led from the keyboard". If he wanted to say something to someone below him, he just sent you an email.
- Officer 12 then spoke about Officer Blanchard's death. He said they were told 'not to speak about his death" – that was a DIRECTIVE from above. He then mentioned that they were told the department would provide counseling for any officer that needed it and through EAP they set up sessions for officers. The counselor that was selected for officers to speak with was Maggie Klug – Chief's wife. He said not many people took advantage of that, as they were worried, she'd tell chief what was said and there would be retaliation. WTF! This is the second person to bring this up...how can the Chief of Police's spouse be the pick for officers to speak with?
- Officer 12 also mentioned that during the first McLeod sexual assault on a minor case, everyone in the department was not allowed to speak about it or ask any questions.
- Officer 12 stated that towards the end of 2020 and into 2021 – heavy turnover started within the department because 'officers just couldn't take it any longer'. He said we were/are losing people that made a conscious effort to be in Minot, whether it was for family, kids, etc – these are people that wanted to work here and it is sometimes hard to find people that do want to live/work in Minot.
- Officer 12 is still close with quite a few officers that work at MPD and officers that have left MPD. He suggested we pull ALL the exit interviews and read them.
- Officer 12 came back to give the Eulogy at officer Blanchard's funeral – he said that many past/present officers came and thanked him for doing such a nice job on the eulogy. He said that Chief never spoke with him nor any other past officer from the department.
- He made mention that Chief never showed up at the department the day/night officer Blanchard killed himself. He couldn't be bothered to come in – people were upset that their Chief wasn't there after an officer died. "He doesn't care about the officers underneath him".
- Officer 12 said that post Officer Blanchard's death, there was no incident stress debrief, as they'd had in the past when officer deaths occur. Again, mentioned Chief not showing up to speak with officers after the death – no support from Chief for subordinates nor their mental health. He mentioned that for officer Blanchard – all the signs were there that there was an

issue – officer Blanchard was taking steroids, drinking heavily (mentioned the SWAT call out spoken of before where Blanchard tried to drive drunk to the call), had marital issues and was depressed/embarrassed after being removed from SWAT. Nobody cared or was paying attention.

- Officer 12 stated he believed that officer 7 went to Cpt Sundheim and told him about the issues officer Blanchard had and said he needs help. Other officers also mentioned it to their supervisors – don't believe it went anywhere.
- Officer 12 mentioned that "the PD would operate without the command staff. He said the Sgts. And SO/MO officers run everything every day.
- Officer 12 spoke briefly about Officer 1 and said that what happened to her was sad and that she was a great officer and an honest cop.
- Officer 12 mentioned both Sgt. Z and Sgt. Q – how both were good officers but had been retaliated against and beat down for speaking up and going to bat for their officers. He said both officers have given their life and time to the department and they had both been treated poorly since the "speak freely" meeting in 2020. He said Sgt. Q is the best Sgt he's ever worked for/with in either the military or LE agencies he's been with.

Officer #15 (former MPD officer)

- 5 yr MPD officer – crime scene response officer, FTO
- Officer 15 told me he'd dreamed of being a cop since he was a kid and he loved the job until 2020.
- He was originally on the night shift with Lt. Redding and Sgt. Schoenrock – great people to start with he mentioned.
- Officer 15 recounted his first internal review in 2019, which stemmed from a complaint made by an offender he helped arrest. The incident began when Officer Boyer initiated a traffic stop. The driver was ordered to exit the vehicle but refused to comply. After some time, the offender unlocked the car doors, allowing Boyer to open the driver's side door while Officer 15 opened the passenger side. As they attempted to remove the offender from the vehicle, he resisted, flailing his arms aggressively. Officer 15 believed he saw the offender swing at Officer Boyer and, in response, struck the offender three times to subdue him. Once the offender was restrained and handcuffed, an ambulance was called to assess his injuries. However, due to the offender's continued agitation and non-compliance, the ambulance refused transport, and the officers had to take him to the hospital themselves. It was later determined that the offender had sustained a facial fracture and subsequently filed a lawsuit against the department.
  The case was reviewed by the department's "Use of Force" board, which concluded that the level of force used was justified. Officer 15 then met with Chief Olsen, who reviewed the department's "Use of Force" policy with him. Chief Olsen remarked, "It's a different age, and we have to be mindful of what we do." Although the chief suspended Officer 15 for three days, he assured him that there would be no termination or change of assignment.
- Officer 15 said that after Klug was promoted in 2020 things started to change. Officer 15 admitted that in March/April of that year, everyone was stressed out. COVID was in full force, officers were scared, they were out on patrol, had families at home and everyone was worried. Command staff was not around...they sat home while other officers were at work.
- Officer 15 shared that he had been struggling with marital issues, depression, and possibly PTSD (though he did not specify the cause). Seeking support, he approached Sgt. Schoenrock and Lt. Redding, who escalated his request up the chain of command. As a result, Officer 15 was referred to counseling with Maggie, the department's recommended counselor.
  He then recounted an incident from 2015 involving Maggie, who is also the wife of Chief Klug. While working for the department, Maggie confronted him about a comment he had made to one officer regarding another, in which he described the officer as a "good guy, but kind of odd." Feeling uncomfortable discussing personal matters with the chief's wife, Officer 15 requested a different counselor, though he didn't think much of it at the time. He admitted that speaking with the chief's spouse made him uneasy.
- In 2020, during the height of COVID-19 concerns, officers were instructed to stay home if they felt unwell or exhibited any symptoms. One day, Sgt. Lackey was coughing at the department, and Officer 15, in a polite and considerate manner, suggested that she take the day off to rest, explaining that he had a young child at home and was simply concerned. Despite his cordial approach, Sgt. Lackey became angry, turned around, and deliberately coughed in Officer 15's face, saying, "Now you have COVID too.

Officer 15 reported the incident to Lt. Redding, requesting that something be done about it. Redding escalated the matter to Chief Klug. The next day, Sgt. Lackey called in sick, confirming that she had contracted COVID-19. Officer 15 again raised the issue with Klug, who responded dismissively, asking, "What do you want me to do?" Officer 1, another officer who had a similar encounter with Sgt. Lackey, also reported the incident to Klug, but no disciplinary action was taken against Sgt. Lackey. (Lackey and Klug were good friends and "drinking buddies")

- In June 2020, Officer 15 was unexpectedly called into Chief Klug's office and placed on administrative leave without explanation. He was instructed to go home but remain within 20 minutes of the department in case they needed him. When Officer 15 inquired about the reason for his leave, he was told, "We are reviewing things, and I'll let you know what happens." This left him confused, as he had no disciplinary issues beyond what had already been discussed.

  At the same time, an investigation into Lt. McLeod was underway, and McLeod was also on administrative leave, but unlike Officer 15, he was allowed to review body cam footage at the department. After 48 hours with no further information, Officer 15 reached out to Chief Klug for guidance but received no response. Growing anxious, he contacted the Fraternal Order of Police (FOP) to secure legal representation.
- A few days later, Officer 15 was called in for an interview with Lt. McLeod during the COVID-19 pandemic. He requested his FOP representative be present, to which McLeod responded, "Why do you need an attorney present?" Officer 15 was eventually allowed to have his FOP rep participate via phone. During the interview, Officer 15 was informed that the department was reviewing body cam footage dating back to 2015, specifically focusing on all his "use of force" reports. This review confused him, as the only incident previously brought to his attention was the 2019 case reviewed by Chief Olsen. During the interview, he and McLeod discussed the inadequate training officers received regarding "use of force." Afterward, his FOP attorney remarked, "This is BS, McLeod isn't trying to distinguish right from wrong."
- Within a few days of that interview, Officer 15 was summoned to a meeting with Chief Klug. He attempted to contact his FOP attorney more than 20 times but was unsuccessful. Upon arriving at the department, he was met by Chief Klug and Captain Sundheim. The Chief handed him a packet containing nearly five years' worth of "use of force" reviews. Officer 15 once again requested that his FOP rep be included in the meeting, explaining that he had been trying to reach him but couldn't get through. His request was ignored. Chief Klug then informed him he was being recommended for termination, or he could choose to resign and retain his law enforcement license. The Chief coldly added, "It was a mistake to hire you." Despite Officer 15's continued requests to speak with his FOP representative, he was told he had two options: resign, or be fired and risk having his license revoked by the POST board, which would prevent him from working as a police officer again. Officer 15 was left bewildered, as all previous incidents had already been reviewed, and he had served his 3-day suspension without further issues.
- Officer 15 ultimately signed the resignation letter and quit the department. He said he struggled a lot with this. He'd just gone through a divorce and now he'd lost his job, but had no idea why. He attempted to get on with another department and keep working, only to

find out that he had been put in as "terminated" by Klug and so POST would not let the new department have his records. He got it all straightened out, but was upset that Klug put him in as terminated so he couldn't work at other departments. Eventually went on to work for McHenry County. Officer 15 mentioned that Klug tried to do the same thing to Officer Frelich, but he quit before it could happen.

- Officer 15 also mentioned how moral suffered as a result of what Klug said at officer Blanchard's funeral. Officer 15 remarked that while Blanchard started off as 'one of Chief's boys', he'd had increasing issues with Chief's micromanagement before he died.

Dispatcher #1 (former MPD Dispatch)

- 11 years with dispatch, left in Dec. 2023
- Dispatcher 1 stated she left the department because it was a hostile work environment (created by Margaret), lack of leadership and no follow through on promises. Dispatcher 1 also noted that the new dispatch room is depressing (no windows and dark) and that training within dispatch is awfully poor.
- Dispatcher 1 stated that 3 leads went to Cpt. Sundheim last year (summer) and complained about Margaret. A 360 eval was done on Margaret, she went to some type of leadership training and things got better for a short time, but then quickly went back to what they had been before.
- Dispatcher 1 said Margaret leads with 'retaliation'. She stated that PSAP holds employees schedule over their heads, she plays favorites and she treats employees very differently, depending on if she likes you or not. Dispatcher 1 also said that Margaret likes to create drama amongst employees by telling employees lies to upset them against another employee. Dispatcher 1 continued by saying that PSAP confidentiality does not exist. Margaret divulges information (both personal about dispatchers) and professional that shouldn't be talked about.
- Dispatcher 1 said Margaret and the Asst. PSAP will stand in dispatch and fight with each other. The dispatchers went back to Cpt. Sundheim to report that issues still remained, they were ignored and nothing was done.
- Dispatcher 1 also mentioned that employees were caught 'stealing time' and she took it up the chain of command. Not much was done, each of the people caught were given a 1 day off suspension. Dispatcher 1 stated that they could've used the camera footage, but waited to long to look and it had been recorded over already.
- Dispatcher 1 also stated that there is very inconsistent discipline within the department and dispatch.
- She mentioned we should check the exit interviews of other dispatchers who left that have/had very similar complaints about Margaret. Samantha Christman, Beth Watne, Brittany Yoder, Cloe Micaen, Molly Schoen, Samantha Silva and Amand Wright (although she was terminated for cause).
- Dispatcher 1 spoke about the "12 hour shift/PTO lunch" policy, that went into place at the beginning for 2024, if only 2 dispatchers were on shift at a time. Whether this is legal or not, it is VERY UNPOPULAR.
- Dispatcher 1 spoke about the death of MO Blanchard and how it affected dispatch. She stated that the whole response to mental health issues after his suicide was disgusting. Margaret made inappropriate jokes that upset other dispatchers.
- Dispatcher 1 spoke about how Chief Klug and Cpt. Sundheim have created animosity between the county and the city (MPD does not want Ward county policing in Minot) and this has made things hard on the dispatchers.
- Dispatcher 1 finished our conversation by talking about when Chief Olsen and Sundheim put Margaret in as PSAP. She mentioned that dispatchers were asked and begged them not to put Maragaret in as the PSAP, but rather bring in someone from outside. I asked how we need to fix dispatch – restructuring, retraining and better communication were her answers.

Officer #14 (former MPD officer)

- 12 yr MPD officer, Patrol, K9, Bomb Squad Commander, 0 write ups, 0 disciplinary actions
- Officer 14 started our conversation by saying "Promoting Klug to chief single handedly killed the dept. He said there was no one to tell him no any longer. He asked why the city manager and HR have not done more as they've watched people 'stream' out of our PD and dispatch.
- Officer 14 said the problem with Klug was it didn't matter how you were as a cop – if you were great and he didn't like you, you suffered. If you were awful and he liked you, you moved through the ranks.
- Officer 14 spoke about how getting to some of the positions he achieved (bomb squad commander) and how these are positions where you have to prove yourself. He also mentioned that the city spent over $235,000 training and equipping him for K9 and Bomb Squad.
- Officer 14 said the only command staff we have that has any integrity is Cpt. Plessus
- Officer 14 explained that after Klug assumed leadership, the promotion process changed noticeably. He stated that he had tested for the Sergeant position six times—four times under Olsen and twice under Klug. In the first three or four attempts, he ranked lower on the promotion list, and officers with more seniority and experience were promoted ahead of him, which he found understandable. However, during his fifth attempt, which was his first under Klug, the situation changed. At that time, he was the most senior officer, had the highest score on both the written exam and the interview, making him the top candidate for the promotion. Yet, another officer, who ranked lower and had disciplinary letters in their file, was promoted instead. Officer 14 found this unusual and approached Klug to ask what he needed to do to secure the promotion. Klug's response was vague, offering no clear explanation other than suggesting, "just keep doing what you're doing, you'll get there." Klug also mentioned that there were no available Sergeant positions with K9, but no further discussion was had.
- Officer 14 recounted that during the next promotion board, he was still handling his K9 unit, though he had already submitted her retirement papers before the promotion process began. A Sgt had recently left the department, prompting an earlier-than-usual start to the promotion board. Once again, Officer 14 was the top candidate, with more experience and a higher ranking than the others. However, despite this, Officer Pappenfous, who was ranked third, was promoted instead. Officer 14 found this particularly strange since Pappenfous had letters of discipline in his file and was also part of the K9 unit, despite there being no available Sgt positions in K9 at the time.
- Perplexed by the decision, Officer 14 sought another meeting with Klug to understand what he was missing. The following day, during their conversation, Klug responded bluntly, saying, "Where are you going to go? What are you going to do? You're a career cop—I don't need to keep you happy. What are you going to do?" Feeling disillusioned, Officer 14 returned home, gathered his gear and keys, and resigned from the department later that day.
- Although Officer 14 noted that he had never personally had issues with Klug, he did mention that his father, who had served as an officer alongside Klug, had a difficult relationship with him.

- Officer 14 also spoke about K9 handlers have always gotten to keep their dogs after the dog is retired. It is basically impossible to train them to someone else after 10 yrs. He said that after he had resigned, Klug tried to keep him from keeping his K9 and instead wanted to have the dog euthanized. He mentioned Clouse was fired and still got to keep his dog. This screams RETALIATION.
- Officer 14 expressed concerns about the overwhelming amount of paperwork placed on officers, highlighting the inefficiency of the process. He referenced other departments, such as Brooklyn Park, MN, and Fargo, as examples of places that handle things differently. Officer 14 recalled his final drug arrest while serving with the department, noting that after making the arrest at 9:30 a.m. and transporting the offender to jail, he returned to the department to begin the paperwork. He didn't complete the required documentation for the single drug bust until after 6:30 p.m. This has been brought up to command staff as a way to better the efficiency in the department. The response, "that's the officers issue to deal with".
- He emphasized how this inefficient process keeps officers tied to their desks, preventing them from being out on the streets actively pursuing criminals. In contrast, he explained, other departments streamline the process by utilizing their records divisions. In those agencies, officers submit an initial report, and the records department compiles all necessary reports, affidavits, etc. for the various departments involved, allowing officers to return to the field more quickly. He said look at the crime rates in Minot as this was placed back onto officers to handle. He said that is multiplied as we lose officers on top of that.
- Officer 14 also mentioned issues with the States Attorney's office and how they don't work with the department or officers for scheduling of court cases. He mentioned times when he had come off night shift at 3am and was expected to be at the court house by 9am for a court case...why couldn't they schedule court appearances in the afternoon for night shift officers? He also spoke about a time where he was scheduled to go on vacation, he'd told the States Attorney's office and Klug. He said the case was scheduled for a day right in the middle of his vacation. He went to Klug to ask for him to intervene and chief responded "it's up to you to figure it out". Klug refused to even speak to the SA office. Officer 14 had to change his vacation so he wasn't in contempt of court – very low support for the officers in the dept from command staff.
- Officer 14 spoke about how the McLeod (1st) investigation crushed the moral in the department. People started checking out after a Lt. was accused of child sex offenses and nothing was really done. I asked him if he'd heard about any other investigations into Lt. McLeod – he said yeh he heard of the one earlier this year as well. Wasn't surprised there was nothing more than 6 months admin leave. "He is one of Chief's boys, he'll never get in trouble". WE NEED TO REVIEW ALL 3 OF THESE INVESTIGATIONS INTO MCLEOD'S SEXUAL ABUSE INVESTIGATIONS.
- Officer 14 expressed doubts about the integrity of Captains Sundheim and Sundbakken. He specifically pointed to Sundbakken's situation, questioning, "How can you serve as the Investigations Lieutenant or Captain and not be aware that your wife was embezzling money?" Officer 14 found it hard to reconcile Sundbakken's position with his personal circumstances. He also referenced a controversial "stand down" order issued by Sundheim during the Blanchard incident (driving drunk and leaving the scene of an accident while

responding to a SWAT call), suggesting that the video footage of Blanchard pulling into the police department garage that night should be reviewed for further clarity.

- I asked officer 14 if he did an exit interview. He said not a single person from the command staff or HR asked him why he resigned or reached out to him at any point after. THIS IS UNACCEPTABLE. HR NEEDS TO SPEAK WITH EVERY EMPLOYEE LEAVING THE CITY EMPLOYMENT AND GET AN EXIT INTERVIEW SCHEDULED.
- Officer 14 finished our conversation by speaking about the inconsistent discipline and inconsistent treatment of officers with in the department – "if Klug likes you, you're fine. If he doesn't, it'll be a tough place to work".

Officer #13 (former MPD officer) – current Fargo PD officer

- 7.5 years with MPD – 2015-2022
- Officer 13 mentioned that the first time he'd ever really noticed how bad things were under Chief was when he went to Fargo for a joint training SWAT exercise. He said the differences he noticed during his 3 days there were unbelievable. Fargo's Chief (new one, as they fired their previous chief because of similar issues to what we are seeing) was engaging with his officers, walked around and talked to them. Officer 13 said he'd seen that under Chief Olsen, but under Chief Klug he never had. He said that Chief Klug isn't thought of as a leader within the dept. and that he'll just walk past other officers and never say a word.
- Officer 13 said he didn't have anything that had ever personally been done to him by Chief, but that he thought it was important to let us know how different things are at the Fargo PD for his friends and colleagues that still work at Minot PD.
- He did mention Cpt Sundbakken by name and said 'that guy isn't recruiting anybody".

Dispatcher #2 (former MPD Dispatch)

- 32 yr dispatcher, 4 yrs as PSAP – retired in 2020
- In 2022, a new position was created: Assistant PSAP Manager. This role was designed to support the PSAP Manager, focusing primarily on training, scheduling, and overseeing the dispatchers. Dispatcher 2 expressed interest in the role, as these responsibilities had been her favorite part of her dispatch work. She stated that her goal in applying for the position was 'to help get dispatch back on track, mentor and train someone to take the lead in dispatch, as Margaret lacks leadership qualities." She is just a "yes man" for Klug and Sundheim.
- Dispatcher 2 help write/wrote the training manual for Dispatch during her time there. She also developed an 8- and 10-hour schedule that worked very well. She only lost 2 dispatchers during her time as PSAP. She also came back for a few months after she retired to help cover lunches, as dispatch so short-handed.
  Before applying, Dispatcher 2 met with Margaret three times to assure her that she had no interest in reclaiming her former job as PSAP Manager. Instead, she was seeking to re-engage after retirement, finding the training and scheduling aspects of the new role appealing. All conversations were positive, and Dispatcher 2 believed that Margaret was supportive of her return. Quoting Margaret as saying "she'd be happy to have her back."
- Dispatcher 2 maintains contact with many current and former dispatchers, who reach out to her, to vent and get guidance and while still maintaining some aspect of confidentiality, as Margaret 'tells everyone everything'.
- Dispatcher 2 first applied for the Assistant PSAP Manager position in May 2022. She met with Chief Klug, with whom she had worked side by side for 20 years. However, she described their conversation as somewhat strange, sensing an attitude of 'sure, apply, but you won't be hired.'
  During her second interview for the role, she raised a critical point, stating they 'needed to address why so many people were leaving or quitting.' This interview panel included representatives from MPD, the Ward County Sheriff's Department, and the FD/Ambulance Service. Kraft, from the Sheriff's Department, asked Dispatcher 2 what she had done differently to retain more staff. She highlighted the significant strain that 12-hour shifts, implemented under Chief Klug, were placing on dispatchers.
- At the end of 2023/beginning of 2024 after going through a couple other Asst. PSAP managers, the position opened again. Dispatcher 2 applied again, met with Margaret again to assure her that she just wanted to do the Asst. PSAP job and not take her job. Margaret again was on board and seemed excited to have the help.
- Dispatcher 2 was called by Cpt. Sundheim some time later and told "So Chief offered the job to another candidate and he accepted. That's where we are at." Dispatcher 2 asked why the other candidate had been picked over her, to which Sundheim responded, "I can't tell you why, I wasn't part of the interview process." She was disappointed Chief Klug didn't call her himself. Dispatcher 2 showed me letters of recommendation she had from former Chief Olsen, Sheriff Robert Roed, Larry Haug (former 911 Coordinator) and Lonnie Sather (Asst. Fire Chief, MFD). Attached. Speaking with Lisa Jundt on 9.19.24 in Stef Stalheim's office, Lisa said they knew/know they have a problem with Margaret, yet when Sundheim asked her about dispatcher 2 applying for the Asst. PSAP position earlier this year, Lisa advised against

it because it would cause issues with Margaret. If we know we have a problem with Margaret, why are we worried about having issues with her? WTH?

- Dispatcher 2 mentioned how quickly things went downhill in dispatch after Chief Klug took command in 2020. No one was/is allowed to speak with Chief Klug or Cpt. Sundheim any longer, they must speak with Margaret first and she'll decide if they need to be informed. She also said there is no accountability within dispatch, because "if Margaret likes you, you don't get in trouble." Some other dispatchers (Jackie, Jenna, Jean) have brought up concerns and things they think could help fix some of the issues within dispatch. Margaret did not like them speaking up, so some of them were pushed out. Margaret labeled them as trouble makers. "Margaret does not like to be questioned, and is very retaliatory when she is."
- Dispatcher 2 also mentioned how many of our dispatchers both past and present are unhappy with the dispatch center. The center was designed by Cpt. Sundheim without any input from staff....didn't even ask for 'anything you think we need' to anyone. Dispatcher 2 mentioned again how depressing and dark most of the dispatchers think the center is. No windows, etc.
- Dispatcher 2 mentioned how it will take 6-8 months to train the new Asst. PSAP manager and that she could have been up and running in a couple weeks. I will mention, I have heard really good things about he candidate hired, but it is still surprising to see someone with these qualifications passed over.
- Dispatcher 2 closed our conversation by talking about a dispatcher hired while she was PSAP, named Lacey Burgess. She apparently was friends with Chief Klug. Burgess left the scene of an accident in which her friend, who was drinking and driving, needed to be transported to the ER. She was arrested while on shift for doing so...later promoted within the department.

Larry J. Haug
[redacted]
Minot North Dakota 58703
[redacted]

To whom it may concern:

I am pleased to write this letter of recommendation for Barbara McPeak who is applying for the position of Assistant PSAP Manager with the City of Minot. I have known Barbara for over 35 years and worked with her at the Minot Police Department for over 25 of those years. After retiring from the Police Department, I continued working with her for an additional nine years while serving as the 9-1-1 Coordinator for Ward County. During this time I was able to observe her on the job as she expanded her knowledge and experience as a 9-1-1 Dispatcher, and later as the Minot Central Dispatch PSAP Manager.

Barbara has extensive experience in emergency services and has established herself as a person who is insightful and can handle pressure, while at the same time thinking about how to continue improving herself and the dispatch center as a whole. An example are the training manuals she created for new hires in the dispatch center. These manuals, along with policy reviews and revisions, assisted countless individuals who were beginning their careers as dispatchers in the extremely challenging and demanding world of emergency services. Another example of improving the dispatcher center was when she started the work on transitioning from the old style medical emergency cards for the dispatchers to the more modern and upgraded electronic medical dispatching system. This procedure ultimately assisted the dispatchers as well as improved service to the public during medical emergencies. Barbara also has worked on budgeting for the dispatch center

To find a more qualified individual for this position would be, in my opinion, very challenging. Barbara has a proven track record as a successful and resourceful leader in her field. She has extensive working knowledge of the -9-1-1 system, radio and telephone network systems and the overall working environment of a 9-1-1 dispatch center. In addition, Barbara has the ability to work closely with the dispatchers and assist them when they are experiencing difficulties on the job. This can help create a worker friendly environment leading to the retention of qualified individuals.

To summarize, I feel Barbara would be the perfect fit for the position of Assistant PSAP Manager. She checks all the boxes on the list of qualifications, and could assist the PSAP Manager with any duties required. She would also be an effective liaison working with both city administration and the dispatch staff. If you have any questions or would like to visit with me concerning this matter please feel free to contact me at any time. Thank you.

Sincerely,

Larry Haug

Letter of Recommendation

On behalf of Barb McPeak
Date: 04/30/2024

I have been informed that Barb McPeak is applying for the assistant PSAP manager for Minot Central Dispatch. I can think of no other person more qualified for this position. Her years of experience as a dispatcher and former PSAP manager make her a perfect fit for the job.

I have worked with Barb my entire 34-year career in Law Enforcement. From the start, she became the voice I wanted to hear on the other end of the radio. Whether I was dispatched to a call in progress or making a traffic stop, she would strive to stay one step ahead of me. Barb could anticipate the information that I would most likely be asking for and have that information ready for me. This was especially helpful in the years we worked before cell phones and in car computers came into play. Having someone taking initiative and researching made things run so much smoother that having someone just answering the radio and reacting only after I would ask for information. Barb was especially valuable each July while working dispatch in the Command Trailer at the ND State Fair. Again, her experience shined as she was able to answer questions, keep things running smoothly and even teach new deputies a few things about the fair. Our lost and found property was always organized and she took the initiative to research and make calls to reunite people with their property.

As we both move up in our careers, we continued to maintain that positive relationship. When Barb applied for the PSAP manager position, I felt that she was the obvious choice and voiced my opinion at that time. I am again voicing my opinion, as once again I feel she is right for the spot, and to me it would be an easy decision. I have had nothing but positive experiences with Barb whether it be through work or on a personal level outside of work.

Sheriff Bob Roed
Ward County Sheriff's Department

April 21, 2024

To: City of Minot
From: Jason Olson
Ref: Barbara McPeak

I recently learned that Barb McPeak has expressed interest in the position of Assistant PSAP Manager at Minot Central Dispatch. I cannot think of a more qualified and appropriate person to fill this position.

I had the privilege of working with Barb for three decades at Minot Police Department where I had the opportunity to see her career develop. I observed her perform her duties from the time that she began as a Dispatcher until her retirement from the position of PSAP Manager just a few years ago.

Barb has always displayed tremendous passion for her position in public safety along with a true desire to make the dispatch center and its staff the best they can be. She has trained almost countless new dispatchers during her career. She did so in a way that made it most likely for them to succeed. She treated her staff and co-workers with respect. She consistently worked towards improving the Dispatch Center both in keeping up with current trends in technology but also with concern for those she supervised. Barb approaches life with a servant's heart and a positive attitude.

I have absolutely no doubt that Barb would excel in the role of Assistant PSAP Manager. I give her my strongest endorsement.

Please feel free to contact me with any follow up questions if you would like.

Respectfully,

Jason Olson
Minot Police Department
Chief of Police (retired)

[redacted]

May 1, 2024

Lonnie Sather
Assistant Fire Chief
Minot Fire Department (Retired)

To Whom It May Concern:

I am writing in reference to Barb McPeak's application for Assistant PSAP Manager for the City of Minot. I have known Barb for more than thirty (30) years through our positions as dispatcher and firefighter, including later in our careers as administrators within our departments. Through my experiences working with Barb I found her to be a competent and dedicated dispatcher. She was always willing to listen to any issues we experienced involving the communications between our departments and worked well with our staff to find solutions to any problems. As an administrator she worked well in a team environment. I witnessed this as we cross trained our personnel to better our working relationship and improve our responses to emergency situations.

I recommend Barb for this position as I believe her education and experience would be an asset to your department and the training of your dispatchers.

If you require any additional information or more details to the information mentioned above, please feel free to contact me directly at [redacted].

Yours Truly,

Lonnie Sather

NICOLE BEASFIELD - [redacted]

* WYATT SMITH - LACY BURGESS (DRUNK DRIVING ON WHEELCHAIR)
↳ DISPATCHER FOR MINOT

OCT. 21 - 2020 - INCIDENT

* SPOKE W/ CHRIS - SUPERVISOR - HANDLE IT LIKE ANY OTHER DUI.

CITY DOESN'T WANT WARD CITY RESPONSIBLE IN CITY

* SPOKE W/ LACY - HAS RECORDING - WHY NOT REPORT IT?
- DUI DIDN'T ACCIDENT

* "CAN YOU JUST SWEEP IT UNDER THE RUG" - BURGESS - AT LACKEY'S HOUSE

WHY WOULDN'T WE TAKE IT?

* CALLS HWY PATROL - TURNS OVER CASE TO THEM
- CONFLICT W/ DISPATCHER - WARRANT ISSUED
- ~~NOT~~ OLSON TRACES BURGESS TO JAIL - NOT PROCESSED LIKE EVERYONE ELSE

* MCCLOUD CALLED NICOLE - ASKED WHAT WAS SAID + SAW HIM TIE VIDEO

DRUGS - MONEY

* ~~NOT~~ BURGESS WENT BACK TO WORK - ALL CHARGES DISMISSED - BURGESS WOULDN'T RESPOND TO BEASFIELD ON DISPATCH CALLS

NOT RETURNED FROM VAN PEET MURDER

* LAW SUIT VS COUNTY - ROZA SAID NOTHING HERE

* IN MINOT - ON CALL - LT. OLSON CALLED OF HELP
- BURGESS (DISPATCH) DID NOT SEND HELP

JOSH LUND - PERM. FOR HELP WARD CITY - NOW

DEBONY KATIE

JESSICA OUTLY

11 Current
as of 25

NICOLE RIVERA - [redacted]

- DISPATCH IN ORANGE CITY FOR 6 YRS

SEAN [redacted]
~~CHRISTA~~ SEAN CHRISTIE
11 1/2 YRS - NIGHT LOAD

* ALL DISPATCH CAME FORWARD 2 YRS AGO.
- WENT TO SWOMEIM - ALL DISPARTMS INTERVIEWED
- SURVEY FROM CPT. SWOMEIM - PEOPLE TURNED IN PAGES OF COMPLAINTS
- KLUCK TOLD CHRISTIE - NO DISCIPLINE - SORRY THAT HAPPENED

400+ HOURS OF OT THIS YEAR

* ASST. PSAP CREATE BECAUSE OF MARGARET
* MARGARET PITS EMPLOYEES AGAINST EACH OTHER
* CHRISTIE WENT TO SWOMEIM AGAIN - MEETING 6X BUT NOTHING HAS CHANGED
* LEFT IN '22 - HUSBAND IS WARD CTY
- POOR COMMUNICATION

* FOUND OUT PREGNANT IN APRIL 22 - TOLD HER SUPERVISOR SHAWN
- PLEASE DON'T TELL MARGARET YET
* HAD TROUBLE STAYING AWAKE AFTER 2AM - MOVED TO MID SHIFT REQUEST - SPOKE W/ MARGARET & TOLD HER WHAT WAS GOING ON WITH NICOLE. NICOLE CAME IN & SPOKE W/ MARGARET.
* MARGARET SWITCHED HER TO NOON - MIDNIGHT - PLEASE KEEP MY PREG QUIET (PROMISED SHAWN AS WELL)
* ASKED NICOLE IF SHE (MARG.) COULD TELL SWOMEIM - NICOLE SAID OK
* WITHIN 2 DAYS HAD TRAINING MEETING - NICOLE WAS

PREGNANT SICK. NEXT DAY - JACKIE WAS TALKING TO MARGARET ABOUT NICOLE NOT PARTICIPATING - LACEY WAS ALSO TOLD BY MARGARET ABOUT NICOLES PREGNANCY

* CAME INTO WORK IN MAY - MARGARET ASKED IF SHE WAS GOING TO TELL ANYONE? WITHIN DAYS - EVERYONE IN DISPATCH KNEW NICOLE WAS PREGNANT
- MARGARET TOLD WARD COUNTY DEPUTY
- NICOLE WENT TO SUNDHEIM AFTER IT WAS TOLD TO EVERYONE. SUNDHEIM SAID "WHAT DO YOU WANT ME TO DO" - I'LL LOOK INTO IT.
* 2 WEEKS GO BY - SUNDHEIM CALLS NICOLE INTO BREAKROOM
- COULDN'T DO ANYTHING BECAUSE IT WAS "HEARSAY"
* 1 WEEK GOES BY - SUNDHEIM WROTE HER UP - SUNDHEIM TOLD MARGARET TO SIT DOWN W/ NICOLE (END OF JUNE)
* NICOLE DIDN'T HEAR ANYTHING FROM MARGARET
* CITY POLICY DOESN'T TELL YOU WHAT CONFIDENTIALITY BREECH - NOTHING ABOUT WHAT HAPPENS
* SHAWN GOES TO CPT. SUNDHEIM ABOUT NICOLE/MARGARET ISSUES
- TRAINING IS NIGHTMARE → COMPLAINTS MOUNTING ABOUT MARGARET - PITTED TRAINING PEOPLE AGAINST EACH OTHER (NOBODY MAKES DECISIONS)
* MARGARET SHARED PERSONNEL REVIEWS TO SHAWN
* MARGARET STARTED TENSION BETWEEN TRAINERS & SHAWN/NICOLE
* MARGARET TOLD SHAWN NICOLE COMPLAINED ABOUT JACKIE'S ATTIRE, SHAWN APPROACHED JACKIE - MARGARET HAS TOLD JACKIE IT WAS SHAWN THAT COMPLAINED

DISFUNCTION

* NOBODY BELIEVES ANYTHING THAT MARGARET SAYS

* NICOLE LEFT BECAUSE SHE COULDN'T TRUST MARG. - LOTS OF OTHER ISSUES PILING

* SHAWN HAD DISPATCHERS WHO LEFT BECAUSE OF MARG WILLING TO COME IN * HELP. MARG. DID NOTHING W/ IT

* MARGARET NOAH GIVES GOOD PRAISE TO DISPATCHERS - CHIEF HAD NO IDEA ALL OF THIS WAS GOING ON

* SURVEY MEETING DAY - 7pm MEETING - AT NOON MARGARET SENT NICOLE AN EMAIL APOLOGIZED
  - SAID SORRY FOR TELLING EVERYONE ABOUT HER PREGNANCY - HASN'T HAD TIME IN LAST 3 MONTHS TO SEND/SAY ANYTHING

BEKKA ASKED IF SHE COULD JOB IT

* NICOLE ASKED TO GO TO RECORDS - DISPATCHERS ARE NOT ALLOWED TO TRANSFER IN TO OTHER CITY POSITIONS BECAUSE DISPATCH STILL NEEDS THEM (JACKIE TOLD THAT) MARG. * CHIEF

FIRED

NO MORE OT

* FIRE - MARGARET OUT

WORKED OVER 400 HOURS FOR 30 PEOPLE COULD HAVE LUNCHES

* WORK 36 HRS 1 WEEK → 48 HOURS 2ND WEEK - ONLY GET PD 4 HRS. OT

350 HRS 20 HRS COMP TIME

* MARGARET AS DSAP - REFUSES TO HOLD PEOPLE ACCOUNTABLE FOR MISTAKES (BETH) NICE PERSON - POOR DISPATCH LEAD - SENT OFFICERS TO WRONG LOCATIONS

* MARGARET - HAS SHADOW FILES / NOTEBOOKS ON EMPLOYEES

* LACEY - OTHER LEAD DISPATCHER - CAME BACK FROM WELLNESS
  - BAD GAMBLING ADDICTION, SUICIDE ISSUES
  - GAMBLING ON PHONE TO DURING WORK IN DISPATCH

* SHAW SPOKE W/ MARK ABOUT THIS - LACEY BACK TO AND GAMBLING/ON PHONE CONSTANTLY IN DISPATCH
  - HOW CAN SHE WORK & FOCUS ON JOB

* MARCHANT - KIND OF RACIST - USES "N" WORD, PRAISE "N"

* TEMPLE

* SHAW DOING JOB OF PSAP FOR 10 YEARS

* SPOKEN W/ CHIEF & CPT. MULTIPLE TIMES
  - NOTHING HAPPENS

SOURIS VALLEY REGIONAL LODGE #7
FRATERNAL ORDER OF POLICE
P.O. Box 4147, Minot ND 58702-4147
Email:sourisvalleyfop@gmail.com

PATRICK YOES
NATIONAL PRESIDENT

MITCH WARDZINSKI
ND STATE PRESIDENT

Open Letter of Vote of No Confidence

To All Concerned:

On behalf of Lodge #7, whose members have by majority vote assented on 9/18/2024, I submit this letter of No Confidence on Minot Chief of Police, John Klug. We deeply regret that this action has become necessary, however we believe that Chief Klug's conduct during his tenure leaves us with few options.

While outside factors have created challenges to leading law enforcement organizations, in other parts of the state and nation, during Chief Klug's assignment, this doesn't account for the unusually high tempo of resignations or early retirements at the Minot Police Department. Nor does it explain the continued degradation of morale experienced by current Officers and staff. Specifically, we point to three areas of conduct that lead to this vote. First, a breakdown in communication in all points on the chain of command, to the point that too many Officers feel it's pointless to even try to speak with him and his command staff. Second, Chief Klug's leadership/management style has created an environment of fear of retaliation and unfair/unequal enforcement of discipline standards among the rank-and-file Officers/employees. Third, Chief Klug's responses to Officers he perceives as disagreeing with him or challenging to his decisions can be characterized as arrogantly dismissive, needlessly defensive/argumentative, and often individually insulting.

On 2/3/2020, Chief Klug was sworn into office by Mayor Shaun Sipma at a meeting of the City Council. When he spoke, Chief Klug said, "My colleagues, my coworkers, you deserve this. You deserve everything we're about to go through together, trust me." In the years following this statement, whatever hopeful and positive vision Chief Klug had, sadly this was never adequately communicated to our membership, the lion-share of which are Minot Police Officers. And sadder still, what was realized in terms of what we have "gone through together" in no way can be described as what our members and other employees have deserved.

Lodge #7 remains dedicated to ensuring our membership's voice is heard and respected. Now and always the Lodge Executive Board remains dedicated to the principle that everyone is best served, when we approach challenges to the profession and our members' agencies, side by side with department leadership as a team. Despite our concerns documented in this letter, this offer remains. The wellbeing of our members, the departments we work for, and most importantly the communities we serve, demand it.

Kenton Kossan
President
NDFOP Lodge #7

President: *Kenton Kossan*

Vice-President: *Greg Johnson*
Secretary: *Jennifer Olson*
Sgt.-At-Arms: *Ann Millerbernd*

2nd Vice-President: *Aaron Moss*
Treasurer: *Aaron Moss*
Lodge Trustee: *Roger Hutchinson*

MINOT POLICE DEPARTMENT

Counseling Session Document

Date & Time: 2-8-22 0600

Reason(s) for Counseling Session 21-36915 - LERMS Follow-up

Officer(s) Present Master Officer Batteiger

Supervisor(s) Present Sgt Ruelle

Location MPD

Repeat topic? Y (N) **If "Y" Refer to Session(s) dated** _____.

Summary of Counseling Session On 12-28-21, case 21-36915 was assigned to Master Officer Batteiger for follow up, and a report addressing the issues. "Activity" was added on 1/8/22, but a report was not completed until 1/19/22, at least eight shifts were worked until report completed. The case was sent back asking about video, unknown by who or when. On 1/24/22, Sgt Ruelle sent the case back for follow-up and a report, Continued...

Follow-up Plan & Additional Comments Case will be ready for supervisor review no later than 2/16/22 at 0800 unless Master Officer Batteiger is not at work. Future follow up for all cases should generally be completed within one work week, activity must be updated as well as reports submitted when appropriate. Reasonable exceptions for timely completion are anticipated.

Signatures: Signing this form only signifies that this is a truthful representation of the session and does not indicate agreement or disagreement with any assigned follow-up or redirection.

Supervisor(s)

Ruelle 303/7462

Officer(s)

432/8134

MINOT POLICE DEPARTMENT

Counseling Session Document

Date & Time: _____

... continued... On 1/28, 1/29, and 1/30 Sgt. Ruelle specifically told Batteiger to conduct follow-up and document in activity if unable to make contact. On 1/29, Batteiger was very busy for the majority of his shift, and unable to follow-up. Follow-up was documented in activity on 1/30/22, without success. It was also indicated he will attempt follow up "later this week." As of 2/8/22 at 0312 hrs, there is nothing indicating additional follow up or request made to another officer or detective for assistance, three shifts worked.

42 days have elapsed since the case was first sent back for follow-up; the total number of shifts worked is 20. I did not check each day worked to see how busy Batteiger was, such as on 1/29. Regardless, this is an unacceptable amount of time taken to complete the task, nor is it a reasonable amount of time. Generally, I would expect most follow up to be completed within one work week, if not, activity and reports should be updated to reflect the reason(s) why.

The manner in which this case has been handled reflects poorly upon Master Officer Batteiger, his shift supervision and the department as a whole.

Master Officer Batteiger may submit a response in writing, if he chooses to do so.

Per SA email: Can we get a copy of the video from North Hill Bowl?

Why did you not believe that the knife located under the seat Martin was sitting in was the knife used in the incident?

Can we get a statement from Niqi Cooper? There is body cam video, but I cannot find where/if he indicates there was a knife used during the incident.

Please be sure to file a supplemental report addressing the questions. JAS 12-28-21

Axon request sent for security footage on 01/08/22, previous email was wrong. DWB 01-08-2022

Supp completed- DWB 01/19/2022

HOW ABOUT THE VIDEO? IS IT STILL AVAILABLE.

Dan, I don't know who was still asking about the video. I read your report and saw that you sent a link for the video on the 8th. I think it would be appropriate to attempt follow up for the video and check on its availability if we have not yet received it, rather than simply stating you requested it. Please document the result in a report. TJR 1/24/22

Attemtped follow up with business on 01/30/2022 without success will attempt again later this week. dwb 437/8134

SUPPLEMENT REPORT

Case # 21-36915

Officer Daniel Batteiger

The knife, which Officer Hathaway located in the vehicle, did not match that as the given description of the suspect as a stiletto. The knife located was an all-black in color and a fold out blade. Furthermore, Cooper was not willing to provide a statement. An axon request was sent for security footage on January 08, 2022

END OF REPORT

Daniel Batteiger, Patrolman 437/8134

Minot Police Dept

City of Minot

MINOT POLICE DEPARTMENT

LETTER OF COUNSELING

EMPLOYEE: Daniel Batteiger

DATE OF INCIDENT/EVENT: October 2022 - January 2023

DESCRIPTION OF INCIDENT(S) OR EVENT(S):

As a Police Service Dog handler with the Minot Police Department, all handlers are expected to maintain the 'industry standard' number of hours of 16 hours per month. The Minot Police Department calculates this on a 4 month rolling average.

Master Officer Batteiger, since July 2022, has had 5 individual months of training below 16 hours, and 2 months at 16 or more. His current 4 month average, encompassing Oct 2022-Jan 2023, is 13.95 hours of training.

On 1/19/2023, I gave Master Offer Batteiger a copy of his training hours, and told him he needs to have at least 16 hours per month on average, and pointed out at least half of his months were lacking hours. He told me that he would make the necessary changes.

** See attached

APPLICABLE VIOLATION(S) OF POLICIES/DIRECTIVES/TRAINING (LIST ALL THAT APPLY):

The accepted industry standard for K9 training is at minimum 16 hours per month to maintain proficiency. The Minot Police Department calculates this on a rolling average of the the immediate 4 months. This average must equal at least 16 hours.

HAS ISSUE BEEN ADDRESSED IN THE PAST? (VERBAL OR WRITTEN COUNSELING, DISCLIPLINE) LIST AND DATE ALL THAT APPLY:

1/19/2022 - Listed in first box. (first documented)

* non-specific dates: We talk about training hours, and requirements to meet them frequently. Handlers have access to the Excel logs I keep, and also can search their hours in PackTrack.

City of Minot

MINOT POLICE DEPARTMENT

LETTER OF COUNSELING

ACTION STEPS TO CORRECT ISSUE (IF APPLICABLE):

* Canine Cyrus will not be allowed to participate in any Law Enforcement actions until his 4 month training hours average is brought up to at least 16 hours. Officer Batteiger may bring Cyrus with him on patrol, but he may not leave the vehicle for any other purpose than normal breaks, and training.
I will verify any training hours completed, and recalculate his training hours average on Friday, February 10th, and provide the results to Cpt. Sundheim.
If his training hours are not raised within that period, Cyrus will remain out of service until they reach at least 16 hours, verified on the Friday of each consecutive week.

EMPLOYEE ACKNOWLEDGMENT: _____ 2-6-23
(SIGNATURE) **(DATE)**

David Batteiger
(PRINT NAME)

*Signature reflects acknowledgement of receipt of this counseling letter.

OFFICER COMMENTS (OPTIONAL):

COUNSELING SUPERVISOR: D. C 2014 2-6-2023
(SIGNATURE) **(DATE)**

DAVID CHAPMAN
(PRINT NAME)

SUPERVISOR NOTES:

City of Minot

MINOT POLICE DEPARTMENT

LETTER OF COUNSELING

EMPLOYEE: Master Officer Dan Batteiger

DATE OF INCIDENT/EVENT: 7/4/23 - #23-20299

DESCRIPTION OF INCIDENT(S):

Officer Batteiger initiated a traffic stop on a 4 Wheeler that had no lights driving on 4th Ave NE after the fireworks display. Officer Batteiger pursued the 4 wheeler after it failed to pull over and continued westbound. Due to the darkness and the 4 wheeler not having lights, pursuing seemed reasonable at this point, however, when they got to about 14th St NE they encountered vehicles stopped in the roadway due to traffic congestion. The 4 wheeler at that point moved into the eastbound lane and continued. So did officer Batteiger and continued doing so until 3rd St NE, in violation of department policy. In doing so, they passed over 70 vehilces that were stopped in the westbound lane. The pursuit turned northbound on 3rd St and went over the viaduct. In doing so, both passed a northbound vehicle while going up the viaduct (could not see if there was any oncoming traffic). Shortly after turning westbound on 8th Ave NE, the 4 wheeler stopped and the passenger got off before the 4 wheeler took off again. The pursuit was ended at that point and Officer Batteiger dealt with the passenger.

The report in this matter failed to articulate why the officer felt the need to continue. He also noted asking for supervisor permission to continue, but nothing of a response from the supervisor. Due to Officer Batteiger's position as not only a Master Officer, but an EVOC / Pursuit instructor, better decision making in incidents like this are crucial.

APPLICABLE VIOLATION(S) OF POLICIES/DIRECTIVES/TRAINING (LIST ALL THAT APPLY):

307.3.1 WHEN TO INITIATE A PURSUIT

An officer may initiate or engage in a pursuit if the violation is one that endangers others, or the officer has a reason to believe that the operator or occupants have committed a criminal offense involving violence or injury and based on the nature of the violation or crime there is reason to believe the operator or occupant of the fleeing vehicle poses a greater immediate danger to the public if not apprehended than the danger created by engaging in a pursuit.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include:

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

(c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).

(d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

(f) The pursuing officer's familiarity with the area of the pursuit, the quality of radio communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

(h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) The availability of other resources, such as aircraft assistance.

(l) The police unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with a prisoner or ride-along in the pursuit vehicle .

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risk of continuing the pursuit reasonably appears to outweigh the risk resulting from the suspect's escape.

The above factors on when to initiate a pursuit are will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. The term "terminate" shall be construed to mean to discontinue or to stop chasing the fleeing vehicle.A pursuit is terminated when the motorist stops, or when the attempt to apprehend is discontinued by the officer. An officer is deemed to be no longer attempting to apprehend the motorist when the officer deactivates the emergency lights and siren; pulls over to the side of the road and stops (does not continue to follow the fleeing vehicle) and/or, when safe to do so, makes a 90 or 180 degree turn away from the fleeing vehicle. In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:

(a) The distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance or the pursued vehicle's location is no longer definitely known.

(b) The officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive or has an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use.

(c) When directed to terminate the pursuit by a supervisor.

307.4.4 PURSUIT DRIVING TACTICS

(c) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

HAS ISSUE BEEN ADDRESSED IN THE PAST? (VERBAL OR WRITTEN COUNSELING, DISCLIPLINE) LIST AND DATE ALL THAT APPLY:
No

ACTION STEPS TO CORRECT ISSUE (IF APPLICABLE):
This matter was discussed with Officer Batteiger. His sergeants are also aware of the matter and wanted it dealt with.

EMPLOYEE ACKNOWLEDGMENT:

7/28/2023
(SIGNATURE) **(DATE)**

D Bomgaars
(PRINT NAME)

*Signature reflects acknowledgement of receipt of this counseling letter.

OFFICER COMMENTS (OPTIONAL):

City of Minot

MINOT POLICE DEPARTMENT

LETTER OF COUNSELING

COUNSELING SUPERVISOR: 7/26/23

(SIGNATURE) **(DATE)**

Lt. Matt McLeod

(PRINT NAME)

SUPERVISOR NOTES:

Jenser

10/2/23- Lt Chapman sent an email to myself and Master Officer Batteiger stating that it was time to apply for new drugs. He stated he could start the process but to keep me in the loop so I have an idea of how the process goes.

12/6/23- I received an email from Lt. Chapman regarding a certificate from DEA – controlled substance registration certificate. Up to this point, I have never seen any paperwork regarding DEA nor have I been involved in the matter. Master Officer Batteiger stated over email" I have figured out how this is all going. When we are together next I'm going to have explain how it goes together and the process required by the DEA. Had to work out a few kinks as it was a new adventure. More to come very soon." Master Officer Batteiger told me in person that he didn't want the headaches for two people so he had figured out the process and sent it through.

12/8/23- During our meeting with CPSM- Lt. Chapman found out that Master Officer Battegier submitted the paperwork to DEA. Lt. Chapman told Batteiger again that he wasn't supposed to do that. Receiving new drugs means the old drugs are soon to be destroyed.

12/14/23- During our bi-monthly K9 training, Deputies from McLean County K9 unit joined our training to try out our new ball popper. Also present was Lt. Chapman and Master Officer Connole at around 1630 hours inside the old city hall upstairs. The ball popper is a 4 box system that allows you to place a target odor inside of it. When the dog alerts to the correct box, the handler or said person uses a remote control and can activate the popper to reward the dog with a popped up ball. During this session, I asked the drug K9 handlers what odor they wanted to use. I was not going to use the system for my explosives so we could focus on the three drug dogs to use the ball popper for. I don't remember if someone asked to use heroin or if that's the drug that I grabbed. When I asked how much, the McLean county K9 handlers stated they did not want an entire jar. Inside a narcotic odor jar is 28grams of target odor. These narcotics are 100% pure drugs sent straight from DEA. Inside each jar is three weights that are totaled to 28 grams. Each separate odor can have different weights but ultimately there is three packages in each jar.

I grabbed the heroin jar and noticed that there were only two odor bags in there. One said 6. Something and the other said 6. Something which does not equal 28 grams. I asked Connole where the 15g of Heroin was. Connole stated he had just picked up the kit from Officer Batteiger at his residence (he called in sick this night). Lt. Chapman was sitting right next to me so this is also when he became aware of the missing drug. Officer Connole and I opened every narcotic jar seeing if maybe the 15g of heroin became misplaced. Every other jar had the appropriate weights in their respective jar. I then texted Master Officer Batteiger where the 15g of heroin is and he did not reply. To this day (12-19-23) I have not received an answer from him. Connole texted him and then Lt. Chapman called him. Communication was then between Lt. Chapman and Master Officer Batteiger and I was not involved. We continued with training until approximately 2030 hours.

I returned back to the Minot Police Department and went upstairs to start looking for this 15g of heroin. I looked everywhere upstairs where I think a hide could have been placed (drawers, cabinets, door seams) and did not locate the drug. I then went into admin cars (The blue Jeep Liberty and the transport van) as I know K9 handlers have placed hides in there before. I did not locate anything in there. I wasn't

sure where else to look but I know Connole went to Longfellow and looked in recent hide locations. Lt. Chapman went to MSU dorms and looked there with no results.

12/15/23- I asked Lt. Chapman if the drugs were located yet and if I were to instruct the two K9 handlers to continue looking for the missing drug. Lt. Chapman said yes and stated he gave them both a list of trainings were heroin was used and asked them to work backwards through it.

12/18/23- The narcotics have still not been found. Master Officer Connole showed me an email he had sent to Lt. Chapman indicating places he has searched for the drugs. I documented the missing drugs in Master Officer Batteiger's working excel document. I also looked on the drug kit check out list on the locker downstairs in the K9 room- The sheet indicated the following

-02/16/23- Dan Batteiger- Full Kit - returned 11/13/23
-11/13/23- Dan Batteiger- Heroin- - returned 11/26/23
-11/29/23 Michael Connole- Meth/Crack/Cocaine - returned 11/23/23
-12/5/23- Michael Connole - Fentanyl - returned 12/5/23
-12/7/23- Dan Batteiger - Full Kit - returned 12/7/23
-12/11/23- Dan Batteiger- Full Kit - (yet to be returned)

8/2023

Captain Sundheim,

9/14/23 given to Sundheim

"The Minot Police Department will provide excellent police services to the citizens and guests of the City of Minot. We will strive to reduce and prevent crime, to instill a sense of safety and security, and to work in partnership with our community to preserve a high quality of life. We will use our training and resources along with our values of honor, integrity and trustworthiness to serve our citizens. Our goal is to make Minot a better place for all to live through our commitment to our profession"

Minot PD Policy #322.5.9(m); Conduct: Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

Minot PD Policy #322.5.7(b); Efficiency: Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

In 2022, when you took part in promoting me to Sgt., you and the rest of the Administration entrusted me with making decisions not only for what was best for patrol, but for the department and community as a whole. I have taken this position very seriously and want only what is best. As you also know, I have a lot of passion for being a part of the K9 team. I have put numerous hours into making Caspian as reliable as he has been for the Minot Police Department and the State of North Dakota. Part of also being a Sergeant, I have learned, is pointing out where there is problems and how to fix them.

The reason for this letter is due to policy violations resulting in multiple letters of counseling (pursuit, spikes, victim, k9 training hours, follow up on cases, lying to citizen). This portrays that there is a consistent pattern of bad decision making. I have lost trust and confidence in Master Officer Batteiger to run K9 Cyrus. I do not believe that MO Batteiger makes the best sound decisions. As a supervisor, I fear that he will make a decision that will cost the department a lawsuit. This is especially on my mind because the K9s are the biggest liability piece of equipment we have. Qualities of being a K9 handler are to make quick sound decisions, mature, reliable and adaptable.

Part of our mission is to provide excellent police services to the citizens and guests of the city. Attached is MO Batteiger's drug seizure stats. You will see that just in this year alone, there has been zero drug product seizures. It is true that K9s need time to mature/develop; however, K9 Cyrus and MO Batteiger have been out of training since June 2022. Minot Police Department's K9s are used as locating tools whether that is drugs/explosives/people/articles etc. This raises the question, is the problem the dog or the handler. I have spoken to you about the lack of training hours that was an issue a few months back. MO Batteiger was put in a position to train the K9. I do not know how we can, as an agency, argue the need for an additional drug detection dog (4th dog) as the stats show we are not finding any.

MO Batteiger has also had the recent issue that K9 Cyrus is regressing on tracking. Lt. Chapman and I have told him that he needs to make these tracks "fun" for him and not be "boring". While I do believe the tracking is a specific training issue that can easily be corrected in training, MO Batteiger has

repeatedly done what he believes is best vs what I have suggested or Lt. Chapman has suggested. Additionally, MPO Batteiger and MPO Connole were given specific instructions by myself and by our kennel provider, Steve Pearson to not let K9 Ike play with tug toys during the bonding stages prior to the 10 *week long* training as the dogs do not know the word "out". Having them "play" with tug toys can create a conflict between the handler and the K9. MPO Batteiger and MPO Connole went against what was told to them resulting in MPO Connole getting bit. MPO Battieger stated this was his idea and now knows it was a bad decision.

I do believe that K9 Cyrus has potential to be a great dual-purpose dog for the Minot Police Department; however, the lack of results, policy violations and lack of trust/confidence leads me to suggest a **recommendation for removal of the current K9 handler**. I believe this is what is BEST for the Minot Police Department and the community.

I have also spoken with our Kennel in Minnesota (Performance Kennels) and to send a new handler with K9 Cyrus will cost $6500. The switch of handlers I hope is not looked at as a negative change. K9 Cyrus *is* young enough that switching handlers would be of ease. I understand this is not something we as a department have ever done before, but again my intent is only to suggest what is best.

On our Sgt meeting (07/17/23) after you left, MO Batteiger was a topic of conversation starting with Sgt Bambenek for unsatisfactory work performance on the road. I am not sure if having a K9 is causing his patrol work performance to lack. This section was documented in the minutes posted by Lt. Wegner stemming from a pursuit incident of MPO Batteiger's. If having a K9 is too much than this again would back my recommendation for change of handlers. Entrustment of a K-9 (a potential use of force) to an officer who is not physically or mentally fit can be a concern for negligent entrustment.

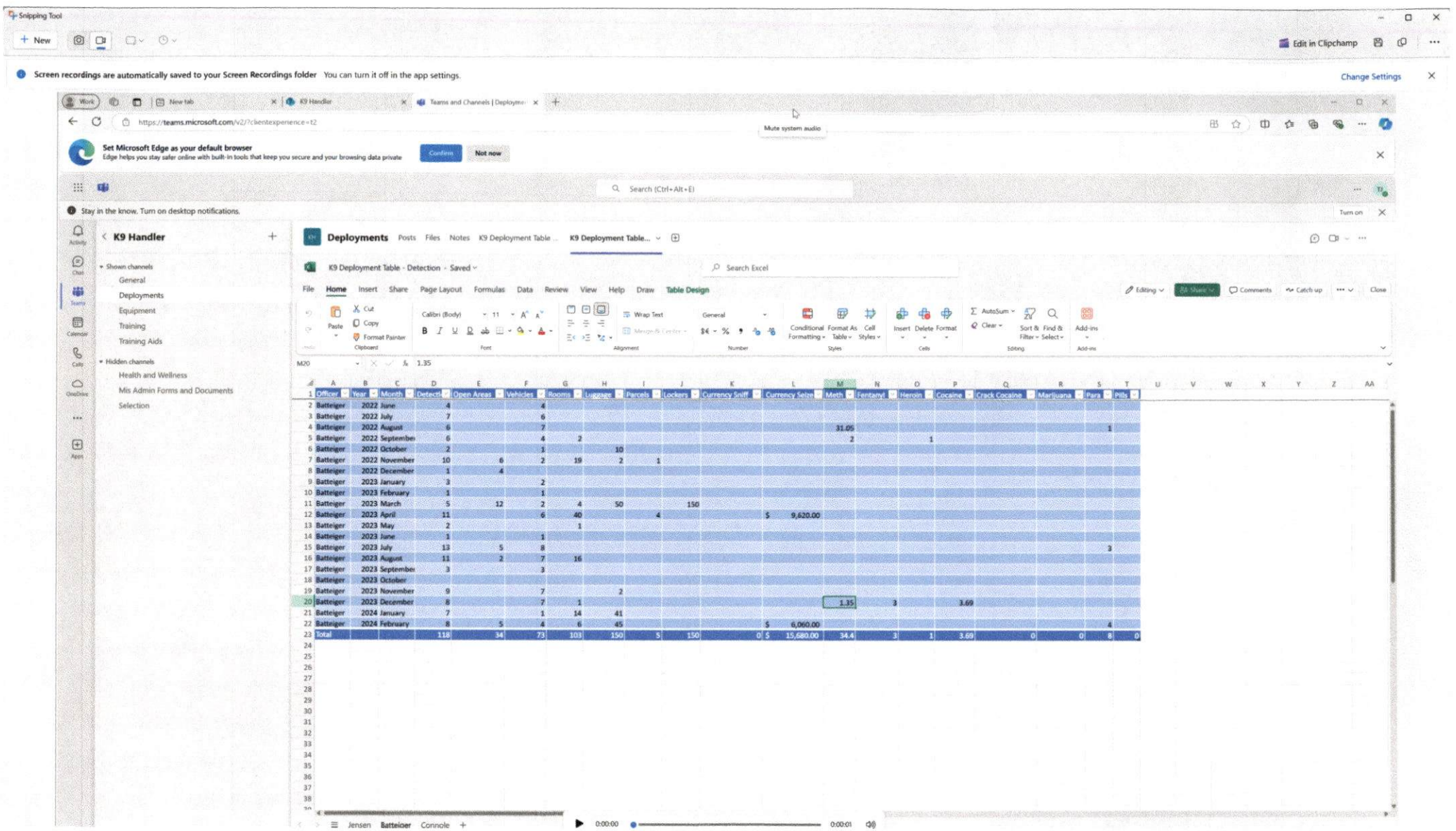
K9, as any specialty unit, is subject to litigation. I personally believe that K9s have the highest liability exposure as an agency unit, as they are being deployed daily. This leads to my question is how many letters of counseling is cause for removal from any specialized team?

On 08/29/2023 TFO Wilkerson came to the PD to express concerns about K9 Cyrus' inability to locate drugs in callouts that the K9 should have "alerted". TFO Wilkerson stated both him and TFO Miller have become increasingly frustrated calling out MO Batteiger/ K9 Cyrus and having no alerts. TFO Wilkerson stated that in a recent incident, MO Batteiger ran K9 Cyrus on a vehicle and he indicated that K9 Cyrus did not alert. TFO Wilkerson stated they asked the individuals if they could pat them down which resulted in eventually locating drugs/narcotics on the individuals. TFO Wilkerson stated this can create issues with their cases and want to resort to using Ward County's K9 (Baxi) as they feel that he is more reliable. I asked TFos if they could document through reports any incidents of this nature.

Captain, I don't want this K9 program to fail and I respect any decision you/and/or the Chief make.

Respectfully

Sgt Jensen


Snipping Tool
New
Edit in Clipchamp
Screen recordings are automatically saved to your Screen Recordings folder You can turn it off in the app settings.
Change Settings
Mute system audio
Set Microsoft Edge as your default browser
Edge helps you stay safer online with built-in tools that keep you secure and your browsing data private
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Stay in the know. Turn on desktop notifications.
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K9 Handler
Shown channels
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Training Aids
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M20
1.35
Officer Year Month Detects Open Areas Vehicles Rooms Luggage Parcels Lockers Currency Sniff Currency Seize Meth Fentanyl Heroin Cocaine Crack Cocaine Marijuana Para Pills
2 Batteiger 2022 June 4 4
3 Batteiger 2022 July 7 6
4 Batteiger 2022 August 6 7 31.05 1
5 Batteiger 2022 September 6 4 2 2 1
6 Batteiger 2022 October 2 1 10
7 Batteiger 2022 November 10 6 2 19 2 1
8 Batteiger 2022 December 1 4
9 Batteiger 2023 January 3 2
10 Batteiger 2023 February 1 1
11 Batteiger 2023 March 5 12 2 4 50 150
12 Batteiger 2023 April 11 6 40 4 $ 9,620.00
13 Batteiger 2023 May 2 1
14 Batteiger 2023 June 1 1
15 Batteiger 2023 July 13 5 8 3
16 Batteiger 2023 August 11 2 7 16
17 Batteiger 2023 September 3 3
18 Batteiger 2023 October
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20 Batteiger 2023 December 8 7 1 1.35 3 3.69
21 Batteiger 2024 January 7 1 14 41
22 Batteiger 2024 February 8 5 4 6 45 $ 6,060.00 4
23 Total 118 34 73 103 150 5 150 0 $ 15,680.00 34.4 3 1 3.69 0 0 8 0
Jensen
Batteiger
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Training Posts Files Notes Fill | Hides - Explosives Fill | Hides - Narcotics Hides - Narcotics List Hides - Explosives Training notes K9 Training Table Lists

K9 Training Table - Saved

Search Excel

File Home Insert Share Page Layout Formulas Data Review View Help Draw Table Design

Editing Share Comments Catch up ... Clos

Cut Copy Format Painter Paste Clipboard

Calibri (Body) 11 Font

Wrap Text Merge & Center Alignment

Text Number

Conditional Formatting Format As Table Cell Styles Styles

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Add-ins Add-ins

2024

YEAR	HANDLER	MONTH	TRAINING EVENTS	PATROL EXERCISES	DETECTION EXERCISES	HOURS THIS MONTH	4 Month Average	Target Hours
2022	Batteiger	June	8.0	10.0	3.0	12.0		16.0
2022	Batteiger	July	10.0	11.0	2.0	15.5		16.0
2022	Batteiger	August	10.0	14.0	2.0	20.0		16.0
2022	Batteiger	September	6.0	11.0	4.0	15.5	15.70	16.0
2022	Batteiger	October	12.0	12.0	2.0	20.5	17.80	16.0
2022	Batteiger	November	8.0	3.0	7.0	13.5	17.30	16.0
2022	Batteiger	December	4.0	1.0	2.0	6.0	13.80	16.0
2023	Batteiger	January	8.0	6.0	10.0	15.8	13.90	16.0
2023	Batteiger	February	22.0	13.0	20.0	35.5	17.70	16.0
2023	Batteiger	March	7.0	3.0	6.0	18.5	18.90	16.0
2023	Batteiger	April	8.0	6.0	7.0	16.0	21.50	16.0
2023	Batteiger	May	11.0	14.0	4.0	34.0	26.00	16.0
2023	Batteiger	June	13.0	9.0	4.0	15.5	21.00	16.0
2023	Batteiger	July	10.0	3.0	10.0	17.8	20.80	16.0
16.2	Batteiger	August	15.0	3.0	15.0	16.2	20.90	16.0
2023	Batteiger	September	11.0	5.0	6.0	16.0	16.40	16.0
2023	Batteiger	October	10.0	6.0	5.0	15.0	16.25	16.0
2023	Batteiger	November	10.0	9.0	4.0	16.8	16.00	16.0
2023	Batteiger	December	15.0	12.0	4.0	16.2	16.00	16.0
2024	Batteiger	January	7.0	10.0	7.0	15.0	15.75	16.0
2024	Batteiger	February	9.0	9.0	2.0	12.8	15.20	16.0

Jensen Battleger Connole +

Workbook Statistics

100%

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Misconduct-Related Discipline Matrix

These guidelines should be followed. However, Commanding Officers shall consider mitigating or aggravating circumstances of the instant case and previous discipline, in determining whether a lower or higher level of discipline is more appropriate than that called for in these guidelines (Isolated one-time incidents versus multiple violations). Deviations from the guidelines must be documented and approved by the Division Commander and/or Chief of Police.

Misconduct Type	1st Offense	2nd Offense	3rd Offense	4th Offense
Tardiness Minor Grooming Violations Minor Uniform Violations Failure to Answer Radio Lacking All Equipment Discourteous Remarks (Not profanity or Offensive) Minor Traffic Infractions	Verbal Counseling (With no pattern or history of misconduct)	Letter of Counseling	Written Reprimand	
Minor Policy Violation (With Previous Verbal Counseling or Note of Counseling) Misuse of Department Equipment (Including MCT/CAD messages) Unintentional Discharge of a Taser (No injury) Improper Impounds Discourtesy Unauthorized Outside Employment	Letter of Counseling	Written Reprimand		
Missed Court	Letter of Counseling	Written Reprimand (IF within two (2) years of first missed Court)	Suspension (IF within three (3) years of first missed Court)	
Missed Department Proficiency and/or Training Shoot (Missed Dept. Qualification Shoot must be made up)	Letter of Counseling	Written Reprimand (IF within two (2) years of first missed Shoot)	Suspension (IF within three (3) years of first missed Shoot)	
Equipment Collisions (Vehicle ts)	Letter of Counseling, up to Suspension	Reprimand, up to Suspension	Suspension, up to Termination	Termination

Section II Misconduct Related Discipline: Determining Appropriate Level of Discipline

Misconduct Type	1st Offense	2nd Offense	3rd Offense	4th Offense
Driving While Under the Influence (DUI – Alcohol/Prescription Medications)	Termination OR Four (4) Day Suspension with a Last Chance Agreement for five (5) years Any aggravating circumstances (DUI in a City vehicle, resistive behavior during arrest, collision with injuries, etc., may result in a more severe response)	Termination (However, possible mitigating factor if the 1st Offense was more than ten (10) years prior to the 2nd Offense)	Termination	
Accessing Criminal History for Personal Use (Criminal Conduct)	Reprimand, Up to Termination	Suspension, Up to Termination	Termination	
Violation of AXON Body Worn Camera Procedures	Verbal Counseling , Up to Termination	Letter of Counseling, Up to Termination	Suspension, Up to Termination	Termination
Violating Established Informant Procedures	Reprimand, Up to Termination	Suspension, Up to Termination	Termination	
Sustained Excessive Force (Low Level/Non-Injury to Suspect)	Reprimand, Up to Termination	Suspension, Up to Termination	Termination	
Violation of Search and Seizure Procedures	Reprimand, Up to Termination	Suspension, Up to Termination	Termination	
Threats in the Workplace Violation	Written Counseling, Up to Termination	Suspension, Up to Termination	Termination	
Violation of EEO Procedures	Written Counseling, Up to Termination	Suspension, Up to Termination	Termination	
Criminal Conviction of Offenses Involving Theft, Aggravated Assault, etc.	Suspension, Up to Termination	Termination		

Section II Misconduct Related Discipline: Determining Appropriate Level of Discipline

Misconduct Type	1st Offense	2nd Offense	3rd Offense	4th Offense
Unbecoming Conduct Policy which may also include Obedience to Laws Policy (e.g.: Minor Offenses Involving Parking Violations, Traffic Infractions, etc.)	Verbal Warning, Up to Termination	Written Reprimand, Up to Termination		
Unintentional Discharge of a Firearm Including less lethal munitions (self – injury or property damage) on or off-duty Unintentional Discharge of a Firearm Including less lethal munitions (injury to another) on or off duty.	Letter of Counseling Up to Termination Written Reprimand Up to Termination	Written Reprimand Up to Termination Termination		
Unbecoming Conduct Policy and Obedience to Laws Policy ((e.g.: Offenses Involving Moral Turpitude, Theft, Aggravated Assault, etc.)	Suspension, Up to Termination	Termination		
Loss of Ability to Perform Functions of an Employee's Position Through Misconduct (e.g.: Right to Possess Firearm, ND POST License Revocation)	Termination			
Untruthfulness (e.g.: Falsification of any Official Document or Report)	Termination			
Unjustifiable Missed Random Drug Test (RDT)	Reprimand & Scheduled for RDT on their next working day after the missed test	Termination (IF within two (2) years of 1st missed test. AFTER two (2) years of 1st missed test, Reprimand)	Termination	
Illegal Drug Use (Including Positive RDT for Non-Prescribed Medication)	Reprimand, Up to Termination	Termination		
RDT Alcohol Result of 0.02% or Above	Termination OR Reprimand, Mandatory (EAP) Referral & Last Chance Agreement for five (5) years	Termination		
Refusal to Comply with RDT	Termination			

Minot Police Department

Administrative Investigation 23-12

RE: The loss of control of narcotics from the canine training allocation

ADMINISTRATIVE INVESTIGATION

Introduction:

Employee:	Lt. David Chapman, Sgt. Taylor Jensen, M.O. Daniel Batteiger, and S.O. Michael Connole
Source of Complaint:	Notification from Lt. David Chapman
Interviewed:	Lt. David Chapman, Sgt. Taylor Jensen, M.O. Daniel Batteiger, and S.O. Michael Connole
Complaint Date:	December 14, 2023
Investigation Date:	December 20, 2023
Investigator:	Capt. Dale Plessas – Minot Police Department

Synopsis:

On December 14, 2023, at 1630 hours members of the Minot Police Department K9 team, to include Lt. Chapman (coordinator), Sergeant Jensen (handler), and S.O. Michael Connole, met with two handlers from McHenry County Sheriff's Department for bimonthly K9 training. Master Officer Batteiger was not present for this training as he was home sick.

The training was conducted at the Minot Police Department in the old City Council Chambers. The training was a drug detection training where drugs were to be hidden in specialized K9 popper boxes. While placing drugs in popper boxes, Sgt. Jensen discovered that the 15.7-gram sample of heroin was missing. She immediately alerted Lt. Chapman. Lt. Chapman conducted a limited search for the drugs and then contacted Capt. Sundheim to report the discrepancy.

Chief John Klug assigned this investigation with focus on the following questions:

- Who signed out the narcotics?
- Who accessed the drugs during that time?
    - Voluntary hair follicle testing of all with access.
- Were current policies/procedures followed?
- Were additional attempts to locate since the initial report?

Summary of investigation:

During this investigation, I interviewed each of the members of the K9 team starting with Master Officer Daniel Batteiger, Senior Officer Michael Connole, Lieutenant, Dave Chapman, and finishing with Sergeant Taylor Jensen. I later found it necessary to re-interview M.O. Batteiger and S.O. Connole to clarify some items. I began my interviews by orientating myself on the K9 drug kit make up and process of the K9 team. I learned that the K9 drug kit is made up of 4 types of narcotics to include Methamphetamine, crack cocaine, cocaine, and heroin. Each of these drugs were received via the DEA laboratory and were sent in 1 oz samples or roughly 28 grams (see: 2023 K9 forms -DEA Request). The samples were then broken into three smaller samples by the K9 team. This was done by breaking the sample in half and then breaking one of the halves in half again. The largest of the Samples of heroin was measured at 15.7 grams. These smaller samples were then placed individually in canvas bags with a label that indicated the size of the sample. The three samples of a drug type were then placed in a small glass jar, similar to a baby food container. Each of the narcotic samples undergo the same process and are stored in a pelican case that is referred to as the K9 drug kit. This kit generally would be stored in a locked locker located in a basement storage room at the Minot Police Department. The storage room has limited access among police personnel and the locked K9 locker has a combination lock that limits access to members of the K9 team. Members who assist the K9 team, commonly referred to as decoys, do not have access to this locker. The K9 locker has a paper log, titled *Drug inventory Log*, that is used for tracking the K9 drug kit usage (I took pictures to illustrate each of these storage locations and log, Images 1 – 8). LT. Chapman indicated in his statement that he developed a digital log but acknowledged that it is not used with any consistency. He indicated that this is ironic as members of the team wanted the digital log, but they do not use it. In my review I determined that M.O. Batteiger and S.O. Connole do not use the digital log. Connole indicated that he has not been able to get the log to work on his cell phone. Sgt. Jensen does regularly use the digital log when accessing training aids.

It appears that inventories of the K9 drug kit are inconsistent at best. In interviews with Lt. Chapman and M.O. Batteiger it was determined that there is no formal process in place for inventory of drug samples in the K9 kit. Lt. Chapman and M.O. Batteiger acknowledged that they do not formally inventory the kit prior to taking or upon returning the kit to the locker, beyond ensuring all of the bottles are inside. M.O. Batteiger said it is not part of his process to take a physical count or inventory of the K9 kit. S.O. Connole indicated that it is his experience that an inventory is done after each training event. Despite this statement, he acknowledged that he retrieved the kit in from M.O. Batteiger's patrol vehicle in preparation for the December 14, 2023, training, but did not do an inventory. Each indicated that during training, sometimes they take a sample out of the bottle and use them individually, and sometimes they use the full sample, in and out of the bottle. Each indicated that they should notice if a sample is missing but could not be certain of this.

Further complicating tracking of these drugs is inadequacies in training documentation. The K9 team utilizes the Packtrack system for monitoring training. The system provides a great means of monitoring all of the various training activities by members of the K9 team. The System permits the K9 handler to be very detailed in documentation of training. The inadequacy comes with documenting specific training

aid being used. While S.O. Connole seems to document the specific size of sample he utilizes, M.O. Batteiger often indicates "1 item" when the full sample is not used. This makes it difficult to determine when the 15.7-gram sample was last used. The last recorded date that the 15.7-gram sample was listed in training is Jun 23, 2023, at MSU (see: Excersize-Detail-Report-9328-vBaoL hrp Pg28). There were multiple times where 28 grams, or 1 ounce, was listed, but it is difficult to know if the handler observed all three samples, or simply used the whole jar and considered it the full sample. Sgt. Jensen indicated that she handled placement of one of the 6-gram sample (the Packtrack log shows 6.4 grams) of heroin on November 12, 2023, and felt confident that if the 15.7-gram sample was missing, she would have noticed, but could not be certain of this.

M.O. Batteiger stated that after, former K9 handler, Sgt. Pappenfus left the Minot PD, Batteiger's dog was the only narcotics dog left, so he commonly left the K9 kit in his vehicle. This is documented on the drug inventory log as M.O. Batteiger checked the full kit out from February 28, 2023, to November 13, 2023 (ref image 2). According to Lt. Chapman storing the drugs in a patrol car long term, was consistent with how he and other past drug detection K9 handlers operated. Nevertheless, Lt. Chapman acknowledged that he knew this was not good practice, so he put out an order stating that the K9 kit could only be checked out of the locker for three days at a time for the full kit, and 7 days at a time for a partial kit. If more time was necessary, the handler would need approval of the K9 coordinator. Samples were not to be split apart (partial odors from the same drug type) at any time (See: Minot Police Department Unit Expectations). This order was distributed at the first training in November. M.O. Batteiger stated that after this order was given, he checked the kit back into the K-9 locker, but he and Officer Connole split the kit apart. He took the heroin with the intent of training with it. The Drug Inventory Log showed that the M.O. Batteiger checked the heroin sample out of the locker on the same date that he checked the full kit back in, November 13, 2023. The log also showed that S.O. Connole checked a partial kit containing methamphetamine, crack cocaine, and cocaine out, thirteen days later, on November 26th, 2023, and returned it on November 29, 2023.

A noteworthy discrepancy shows that M.O. Batteiger logged the heroin sample back in on November 26, 2023, but heroin was absent from S.O. Connole's check out of the partial kit on November 26, 2023. M.O. Batteiger stated that he recalls placing the sample in the kit and did not leave the lone heroin container in the locker. He also indicated that he did not give it to S.O. Connole. With the indications on the log, this explanation is not possible. Also noteworthy is that the handwritten "2" in the number 26, in M.O. Batteiger's log check in date, appears modified, potentially from a "1". If the date was listed as "1" the check in date would have been November 16th, 2023, which would have been consistent with Lt. Chapman's directive. M.O. Batteiger acknowledged that the date listed was November 26, 2023, which he acknowledged put him in violation of Lt. Chapman's directive. He indicated he could have been wrong on his date that they split the drugs. Also noteworthy was that S.O. Connole logged training on November 26, 2023, and listed cocaine and methamphetamine but did not utilize heroin. After refreshing his memory with the use of the drug inventory log and Packtrack training log, S.O. Connole recalled that he had checked out the kit on November 26, 2023, to train with Sgt. Jensen and M.O. Batteiger but said that Batteiger indicated that he had possession of the heroin sample, so Connole did not check that sample out nor use it in training.

Sgt. Jensen pointed out that Lt. Chapman had instructed M.O. Batteiger, via e-mail, that she should be involved in the process of replacement of the K9 kit (See: DEA Narcotics – e-mail from Lt. Chapman). She said Batteiger went forward with the process without her. Sgt Jensen found out about this when she received a DEA certificate forwarded to her from Lt. Chapman (see: DEA Cert – e-mail to Sgt. Jensen). She then asked Batteiger about this and he said he did not want a headache for the both of them. In their interviews, both Sgt. Jensen and S.O. Connole made mention that it was a red flag that M.O. Batteiger had sent the paperwork in to the DEA to have the drugs destroyed and shortly after Sgt. Jensen discovered that the heroin sample was missing. Officer Connole said M.O. Batteiger had advised him the kit was out of use for up to six weeks because the drugs were being destroyed. In fact, Officer Connole pointed to the December 5th, 2023, training and indicated that he took a fentanyl training aid (a pseudo-odor) because he was under the belief that the K9 drug kit was destroyed. Officer Connole said it was a surprise to him on December 7th, 2023, training to see the kit was still available. At this training Lt. Chapman did utilize the 1 Ounce sample of heroin but indicated that he did not know for sure if the full sample was there, and indicated in hindsight, something seemed to be off. He equated his feeling to a situation where you feel like something is off, but just cannot put your finger on it. He acknowledged that he did not inventory the drugs, so he does not know for sure. M.O. Batteiger acknowledged that he did tell S.O Connole that he was destroying the drugs. He said replacing the k9 drug kit was a new process to him and he didn't know that he would need to wait for a letter from the DEA before he could destroy it. M.O. Batteiger said he had a conversation with Sgt. Foley to determine the process to destroy the drugs but learned that he needed to wait for the letter, after that conversation. Sgt. Foley recalled having a conversation with Batteiger but could not give a specific date other than to estimate it was roughly the end of November or beginning of December.

It was determined that Lt. David Chapman, Sgt. Taylor Jensen, Master Officer Daniel Batteiger, and S.O. Michael Connole were the only people to have access to the drug kit. Each was asked to submit to a voluntary drug test. Since I was unable to pinpoint the date that the heroin went missing, a decision to utilize hair follicle testing was made. The hair follicle test provides the best results for a long length of time (up to 90 days). Julie Eidemiller, from Trinity Occupational Medicine, advised that the 5-panel test was recommended for opioid screening. This was the test selected. Lt. Chapman, Sgt. Jensen, M.O. Batteiger, and S.O. Connole each separately agreed to provide a sample for testing. They were individually directed to Trinity Occupational Medicine where they provided a sample. Each screening resulted in negative results for all five panels (see attached file: City of Minot PD K9-Hair -Connole, Chapman, Jensen, & Batteiger).

When Lt. Chapman was informed of the missing narcotics on December 14, 2023, he went to the last location where he knew the drugs had been used in training. He returned to John Hoeven Elementary and Minot State University. After failing to locate the missing heroin, he contacted Capt. Sundheim and informed him of the missing drugs. Sgt. Jensen and S.O. Connole searched the K9 kit to ensure it was not inadvertently placed in the wrong jar. On December 15, 2023, Lt. Chapman sent an e-mail to K9 handlers Daniel Batteiger and Michael Connole with a list of training logs pages from Packtrack. He instructed them to start working backwards through each of the locations where heroin was used in training (see: E-mail string from Officer Connole). S.O. Connole searched most of these locations to include searching the administrative vehicles used in hides (see: Note-Michael Connole, 1 & 2) while M.O. Batteiger searched other locations.

- Who signed out the narcotics?
    - Since the last known time that the 15.7-gram sample was in use (June 23, 2023, training at MSU) M.O. Batteiger was the only handler to check the heroin out. S.O. Connole checked the kit out on November 26, 2023, but only signed for Meth/CC/Coke.
- Who accessed the drugs during that time?
    - Since June 23, 2023, each of the handlers of the K9 team, to include Lt. Chapman, Sgt. Jensen, M.O. Batteiger, and S.O. Connole had access to the K9 kit and used it in training in some way.
    - Voluntary hair follicle testing of all with access.
        - All submitted voluntary hair follicle samples for testing. All tested negative for drug use.
- Were current policies/procedures followed?
    - See the applicable policy section.
- Were additional attempts to locate since the initial report?
    - Each member contributed to searches for the missing heroin. Lt. Chapman directed his team to search every location that the drug was used since the last known possession (June 23, 2023), to no avail.

Conclusion:

The 15.7-gram training aid sample was discovered missing on December 14, 2023, but it most certainly had been missing prior to that date. The last record of this sample's use was six months prior, on June 23, 2023, at a K9 drug detection training at Minot State University. While the drugs were consistently stored in M.O. Batteiger's locked car, and less commonly in the K9 locker, there was never any indication of theft from either of these locations. The K9 team has no formalized procedure for inventory on the K9 drug kit. Heroin had been used in at least six training sessions from June 23, 2023, to December 14, 2023. The K9 training system, Packtrack, would have been a great resource for tracking the sample use, if proper sample descriptions were consistently used. This was not the case as M.O Batteiger often listed "1 item" instead of using product weight in the *amount* section of the report. As a result, it is unclear when the 15.7-gram sample of heroin went missing. What is clear is that M.O. Batteiger was the only handler to check out the heroin samples from the locker, and he possessed them exclusively, from February 28, 2023, (he checked the other three drug samples back in on November 13, 2023, but kept the heroin sample), until at least November 26, 2023, when he signed the heroin sample back into the locker. This return date is also in question as S.O. Connole checked the kit out on the same day (notably absent the heroin sample) that M.O. Batteiger indicated he had returned it. In his second interview M.O. Batteiger acknowledged that this entry could not be accurate if S.O. Connole had the case in his possession at that time, but he could not give any explanation for the discrepancy. He surmised that he may have listed the wrong date on the log. Further adding suspicion to this situation was the timing of all of this. M.O. Batteiger was in the process of having the kit destroyed for the

impending replacement samples. He did this unilaterally and without the knowledge or involvement of Sgt. Jensen, as he was instructed by Lt. Chapman. In fact, S.O. Connole was under the belief that this process had already happened as per a conversation he had with M.O. Batteiger. M.O. Batteiger acknowledged having this conversation with Connole but indicated at the time he did not understand that he had to wait for a letter from the DEA to destroy the kit. The kit was not permissible to be destroyed, so it was returned to training on December 7th, 2023. The heroin sample was not noticed missing on that date, but an inventory was not completed. Lt. Chapman did indicate that he felt something was off regarding the heroin sample at that training. While these circumstances are suspicious, no evidence of theft of the heroin was found in this investigation. Each of the K9 handlers voluntarily submitted to drug screening and all resulted in negative tests.

Applicable Policy:

I reviewed the following applicable policies:

Policy 309- Canines

Policy 322 - Standards of Conduct

Police 324 – Report Preparation

Policy 700 – Department-Owned and Personal Property

Policy 309 - Canines

309.4 CANINE COORDINATOR

The canine coordinator shall be appointed by the Chief and directly responsible to the Patrol Commander.

The responsibilities of the coordinator include, but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
(b) Maintaining accurate records to document canine activities.
(c) Not reviewed.

Lt. David Chapman is the K9 Coordinator.

(a) There is evidence that Lt. Chapman reviewed all the K9 training reports as they all show that he signed off on them. Lt. Chapman identified a procedure issue and adjusted it based on his evaluation that it was improper for a K9 handler to maintain control of the K9 kit for an extended period (See: Minot Police Department Unit Expectations).

(b) While the accuracy of M.O. Batteiger's reports should have been better, the reports were not inaccurate. Good records are kept via the Packtrack system which documents K9 training activities apart from M.O. Batteiger's neglecting to add weight to describe samples being used.

309.9 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.
All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or Patrol Supervisor.

309.9.3 TRAINING RECORDS

All canine training records shall be maintained by the canine handler and the canine's training file.

Training records are maintained in the Packtrack system. The K9 Coordinator and the K9 team members have access to review these records. The K9 Coordinator finalizes the reports when he signs off on them.

309.9.4 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (N.D.C.C. § 19-03.1-16; 21 USC § 823(f)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Minot Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

The Chief of Police has authorized and made a request for the use of training aids provided by the DEA. The K9 Team was properly registered to maintain these narcotics (See: 2023 K9 forms -DEA Request).

309.9.5 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
(b) Blank
(c) Blank
(d) All controlled substance training samples may be inspected, weighed, and tested. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container.
(f) All DEA obtained controlled substance aids shall be destroyed in accordance with DEA procedures. All other controlled substance training aids shall be destroyed in accordance with department controlled substance destruction procedures.

The investigation found:

(a) All controlled substance training samples were weighed upon receipt and broken to smaller sample sizes.
(b) blank
(c) blank
(d) There is no record of the substances being inspected, weighed, or tested nor did any of the handlers make any indication that this was a practice. This section indicates," substances training samples **may** be inspected, weighed, and tested". The failure to do so may be poor practice but is not a violation of this policy.
(e) All samples, except for the missing sample, were stored in an airtight, and watertight pelican case. This case is not locked as required by this policy. The case was stored for extended periods of time in the back of M.O Batteiger's locked patrol vehicle. This policy does permit a locked case, secured in the trunk of a K9 handler's car during transport, but Batteiger had an unlocked case in the back of his patrol car for approximately 8 and ½ months. Furthermore, this goes well beyond transport of the drugs and the intent of this policy. It should be noted that storage of the drugs in a patrol car was an accepted procedure at the time and up until Batteiger returned the drugs on November 13, 2023, but at that time he was directed by Lt. Chapman not to store them beyond 3 days. He was again in violation when he stored heroin in his car outside of the locked pelican case, for up to 13 days, between November 13, 2023, to November 26th, 2023.
(f) M.O. Batteiger was in the process of starting the destruction of the drugs in this kit when he learned that he was required to wait until receiving a letter, permitting their destruction, by the DEA. He did suspend his effort to destroy these drugs, so as to be in compliance with DEA procedures.

Policy 322 – Standards of Conduct

322.2 POLICY

The continued employment or appointment of every member of the Minot Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

322.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

On or before November 13 Lt. David Chapman, the K9 Coordinator, gave the K9 team a document titled *Minot Police Department K9 Unit Expectations*. This document was as a lawful order to the K9 team. In section 10 of this document Lt. Chapman directs the team to "treat and maintain training aids properly".

As part of this order, he made modification to the procedure of checking out and maintaining drugs outside of the K9 locker. In this order he required the K9 handlers to check the training aids via the digital app. He limited the time the handler could maintain training aids to three days (or 72 hours) for a full kit, or 7 days (or 168 hours) for half of a kit. After this order was given, M.O. Batteiger admitted that he returned the K9 drug kit to the locker, but immediately checked out the heroin sample for an additional 13 days, in disregard for this order.

322.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

322.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

M.O. Batteiger disobeyed Lt. Chapman's order by maintaining the K9 kit outside of the K9 locker for 13 days.

Police 324 – Report Preparation

324.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution.

324.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

324.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor.

324.2.2 NON-CRIMINAL ACTIVITY

Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

Lt. Chapman, as well as MPD Policy 309, expressed the importance of maintaining records to show that the K9 team members are appropriately trained. To this end, he initiated the Packtrack training log system. This log permits K9 handlers to submit detailed reports about their activities. Lt. Chapman has instructed his handlers to log their reports within 24 hours of the event. Policy 324.1.1 requires the reports be “sufficiently detailed for their purpose”. M.O. Batteiger appears to be the only handler to neglect to document the weight of the training sample. This proved to be problematic when trying to narrow down when the 15.7-gram sample was last used, resulting in substantially more effort being expended in searching for the missing sample.

Policy 700 – Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

The policy addresses the care of department-owned property and the role of the Department when personal property, the property of another or department-owned property is damaged or lost.

700.3 POLICY

It is the policy of the Minot Police Department that members shall properly care for department property assigned or entrusted to them…

700.4 DEPARTMENT-ISSUED PROPERTY

All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log; receipt shall be acknowledged by signature…

A drug inventory log is maintained, to track when K9 handlers have access to the K9 drug kit. Maintaining an accurate log is essential as any discrepancies in the log leads to questions of impropriety. A discrepancy was observed in the November 26, 2023, entry where M.O. Batteiger noted returning the heroin sample to the kit, but a subsequent entry by S.O. Connole, checking the kit out on November 26, 2023, shows that the heroin was not present in the kit (see: Image 2). M.O. Batteiger acknowledges that his entry cannot be accurate. It is also note worth that the entry appears to have been altered from a "1" in the day, to a "2" (changing the day from 11/16/23 to 11/26/23). Lt. Chapman indicated that he created a digital log that could not be altered, but the log was not used by M.O. Batteiger or S.O. Connole.

700.4.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property that has been assigned or entrusted to them. Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, in circumstances where misconduct or negligence caused the loss, damage or unserviceable condition.
2. A review by command staff should determine whether additional action is appropriate.

It is not clear when the 15.7-gram sample of heroin when missing, but M.O. Batteiger is the only K9 handler to sign this sample out of the locker. As a result, he took responsibility for this sample and should have accounted for it. He acknowledged that he does not regularly maintain inventories of the K9 drug kit as part of his process. Lt. Chapman reported asking M.O. Batteiger if he had everything at the end of the December 7th, 2023, training. It was at the next training that the sample was learned to be missing. S.O. Connole did not check the K9 kit out of the locker but acknowledged taking the kit from M.O. Batteiger's car in preparation for the December 14, 2023, training. S.O. Connole should have inventoried the kit at that time to ensure that he had the whole kit in his possession.

City of Minot

Police Department

February 23, 2024

To: Daniel Batteiger, Master Police Officer

Ref: 23-12, Chief's Letter of Discipline

This is a summary and order of discipline resulting from the investigation of Master Officer Daniel Batteiger reference internal administrative investigation 23-12 regarding the missing narcotics from the canine training kit.

On December 14, 2023, it was discovered that 15.7 grams of heroin, packaged for training canine teams for narcotics detection, was missing. Upon being notified, I assigned the administrative investigation to Capt. Dale Plessas. The full investigative report is available in the internal file and will be maintained for reference. The investigation was to determine if the narcotics were misplaced or taken by one of the four employees with access to the storage location.

The result of the internal investigation showed that the last person to sign out the heroin samples was Officer Batteiger. The night of December 13, 2024, the heroin kit was retrieved by Officer Connole from Officer Batteiger's vehicle, which was parked at Batteiger's residence. The kit was not inventoried, but it remained sealed until the evening of December 14, 2023, and it was at that time that Sgt. Taylor Jensen found the 15.7 gram sample was missing from the kit.

With Officer Batteiger being the primary handler to check the narcotics out from the locker and the handler who had most recently checked it out, I find that most of the responsibility for the missing sample lies with him.

Based on the results of the investigation, I find the following violations of policy and have set discipline based on the seriousness of the violations which are all **sustained** and are basis for this disciplinary action.

- Policy 322 – Standards of Conduct
    - 322.5.1 LAWS, RULES, AND ORDERS
      (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
        - Maintained possession of heroin training kit beyond the time allowed by the directive issued by Lt. Dave Chapman.
    - 322.5.7 EFFICIENCY
      (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

- Failure to maintain minimum training requirements.
- Failure to inventory samples when checked out for training.
- Maintaining possession of sample beyond the allotted time allowed.

- 322.5.9 CONDUCT
  (i) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through carelessness or maliciousness.
  - Maintained the samples of heroin with poor practices of inventory and accountability.

My concerns about this incident are inflated by the history of disciplinary actions with Officer Daniel Batteiger. He has been counseled for errors made while instructing the deployment of our spike systems, policy violation associated with the pursuit of an off-highway vehicle, and failure to maintain the required level of training with his canine as established by the department. Officer Batteiger has also been suspended for a Standards of Conduct violation, which was largely reflective of poor judgement.

Discipline: As a result of these policy violations, I am ordering the following for Master Officer Daniel Batteiger:

- This letter will serve as a letter of reprimand for the violations of the Standards of Conduct policy.
- Officer Dan Batteiger will be removed from his position as a canine handler and surrender Cyrus to the Canine Coordinator by the date and time set by the Chief of Police.
  - Date: 2/26/2024 Time: 1730
- Officer Batteiger will no longer instruct Emergency Vehicle Operations Courses for the Department or its' members.
- A copy of this letter will be placed in the personnel file of Daniel Batteiger in the Office of the Chief of Police.

John Klug, Chief of Police — Date: 2/23/2024

I have been given a copy of this disciplinary decision.

Daniel Batteiger, Master Officer — Date: 02-23-2024

Witnessed by:

Justin Sundheim, Captain — Date: 2-23-24

hr@minotnd.gov
www.minotnd.org

City of Minot
Human Resources

July 19, 2024

Krysta Becker
Master Police Officer
Minot Police Department

RE: Allegations against Master Officer Dan Batteiger

Beginning on Friday, July 12th, you reported to Brittany Thurston, Senior HR Generalist, that you had concerns about your safety at work and the conduct of Master Officer Dan Batteiger. You restated those concerns to me on Monday, July 15th and again when we met on Tuesday, July 16th. During these meetings, you cited several examples of his behavior that you felt were sexually inappropriate towards yourself and/or other officers. In addition, you indicated a lack of integrity on the part of Batteiger within the Police Department.

All allegations are taken seriously and it is the intention of the Human Resource Department to thoroughly investigate all claims of misconduct as it relates to the employees of the City of Minot. After interviewing the parties involved, there were no assertions by any party of unwanted or inappropriate actions or comments on the part of Batteiger other than your complaint regarding sexual comments made in an isolated incident approximately 2 years ago. In addition, based on all the information provided and upon review of personnel files, we have determined that while Batteiger has had performance and policy violations in the past, all issues have been previously addressed by the leadership team of the Police Department and corrective measures were taken. By all accounts, Batteiger has responded appropriately to these measures. While you may not agree with the decisions made in regards to Mst Officer Batteiger's past performance, there is no evidence to support further corrective or disciplinary action at this time.

In regards to your work assignments and performance management conversations with the leadership team at the Police Department, it has also been determined that the actions taken were in the interests of providing the best possible environment for your success. Your contributions to the Police Department and City of Minot as a whole are valued. It is our expectation that all parties move forward in a professional and mutually beneficial manner.

Sincerely,

Monica Porterfield
Senior Human Resource Generalist
City of Minot

701.857.4756
PO BOX 5006
Minot ND 58702

Date:
To: MPO Daniel Batteiger
From: Lt. David Chapman

Performance Improvement Plan

This plan is meant to promote employee growth and development in meeting performance expectations. This tool is designed to identify performance concerns and steps to improve performance. In addition, it provides a process for follow up procedures between employee and supervisor to encourage continued communication about performance.

DESIRED PERFORMANCE: (Describe the desired performance expectations. Give specific examples of productivity, efficiency, teamwork, quality, attendance, conduct, other.)

1) **Make decisions consistent and in accordance with MPD policy**. Dan is an employee who has come to the Minot Police Department with previous law enforcement experience and training. Based on this, we expect Dan to make good, rational decisions when confronted with various situations a patrolman/K9 handler will encounter. An example would be: Knowing if/when to continue or call-off the pursuit of a fleeing vehicle. He should be able to weigh the positives v. the negatives, Officer and Public safety, Legality and Policy viability.
2) **Complete all assigned tasks**. When tasks are assigned or volunteered for, there should be reasonable timeliness for completion. Communication about progress, delays, and problems should be regularly updated up the chain of command. An example would be if you were assigned to conceptualize a K9 Demonstration, plan how it should look, what space, equipment and helpers you will need to make that happen prior to a specified date. That idea should then be presented for approval, once approved time, before the demonstration date, should be allowed for practice.
3) **Improved Communication**. Communication should flow freely in all directions. Handlers should keep their peers and supervision advised of any out-of-town training or time off of work so that plans can be made in the event a dog is needed. An example of an approved school out of state, once the school is approved by the Administrative Captain, it should be entered by the handler onto the K9 calendar in Outlook; or an Email to K9 supervision should be sent to ensure notification is made.
4) **Know your dog.** The handler must become the 'expert' of their dog. They should be able to know, almost 2nd nature, what the dog is doing and what the dog is detecting. The handler must be cognizant of the dog's changes in behavior, and must be able to articulate what they are, and what they mean. An example of this may be: The handler and dog team are walking through a cold storage area, the dog's ear perk-up, his breathing changes, he pulls hard and steady toward a storage unit 30 meters up wind. The handler should know that the dog has alerted (change of behavior) on a strong odor which he is trained to find. The handler should be able, based on their knowledge of the dog, to decipher whether it is Human, or Narcotic odor.
5) **Stop minimizing the bad – be honest with yourself and others**. Being an effective handler is a journey of constant struggle and desire to improve. In order to improve the handler must be able to separate 'themselves' from their 'performance'; meaning being

critical of your performance is not a personal assault on you as a person, it is important information that is needed and is the only way to know what needs improving upon. After a training, there are ALWAYS things that should be brought up and worked on. It does no one any good to gloss over and minimize those flaws, they only add upon each other to create larger problems. Problems should be highlighted, and brought to the fore-front.

6) **Maintain timely and accurate K9 records.** After each deployment and training, the handler should enter the data into PackTrak at their earliest opportunity. This will give the best chance to enter the most accurate data with the least lost to time and memory. If a training is done where the dog is not verbally 'outing', the entry should be made during, or directly after the training. Detailed notes should be made as to the circumstance, who was involved, and what was worked on. A future training / corrective plan should be generally laid out if possible.

ACTUAL PERFORMANCE: (Describe the employee's current performance. Give specific examples of productivity, efficiency, teamwork, quality, attendance, conduct, other.)

1) After being assigned to the K9 Unit, MPO Batteiger has received (6) written letters of counseling, to include (1) letter of suspension. Dates range from 2/8/2022 through 7/4/2023 (about 18 months – averaging 1 letter every 3 months). There were no repeated areas of concern. This appears to be a deficiency in the general decision-making process.
2) MPD Batteiger has volunteered, or been assigned several tasks to complete since his assignment to the K9 unit. Some of the tasks requiring extensive follow-up remain incomplete, with no progress updates, or were finished by someone else.
    a. Area for 'boxes' at Fire Training Grounds
    b. Assigned to design a 'demo' for an event (Ryan Honda Fundraiser) and practice it
    c. K9 Unit shirt order
3) MPO Batteiger was taking a week of comp-time during September and an additional week of being out of town (Instructing EVOC in Devils Lake, K9 Training). Any time a handler is going to be 'away' and unavailable, the K9 coordinator needs to be informed to plan for and accommodate K9 related needs from the schools, Patrol, and other agencies. MPO Batteiger failed to notify K9 supervision of the absence in advance.
4) Dan has been a certified handler for over 14 months, on numerous occasions, during formal and informal training we have covered the 'change of behavior' a dog exhibits when odor is detected. This applies to both human odor and narcotics odor. We have also covered what an 'alert' is, and how it differs from a 'final alert position'. Recently Dan has seemed not to understand the difference. When asked, he could not articulate what his dog's changes in behavior are (each dog is a little different). He seemed to not understand that probable cause is established by an 'Alert – change in behavior', not the 'final alert position – sit'. These are not new topics, and have been covered multiple times.
5) Dan minimizes or leaves out details on mistakes that are made. There have been several occasions where Dan has provided overviews of a call or a training exercise. He tends to emphasize the 'good' things and minimize, or gloss over the 'bad'. It is generally later found out that the problems were much more significant than initially stated. One example being: we did a training day at Lake Sakakawea State Park, one of the exercises was a tracking event. The decoy laid a track, and hid. Officer Batteiger began the track at the starting point with Office Connole walking with him, eventually finding the hidden decoy. Dan told me overall the track went well, and they worked through some small problems, but he felt good about how it went. I later found out that Officer Connole called the decoy and told the decoy they were lost, and needed some

direction. The decoy told Officer Connole they needed to turn 90 degrees, to find them.

6) The training record keeping ultimately falls as the responsibility of the K9 handler. Dan enters his data consistently within a week of the end of the month which is when the coordinator checks for compliance. The K9 training software allows the handler to immediately enter training and deployment events while they are still 'fresh', allowing the handler to articulate accurate, beneficial data. Not entering training data in a timely fashion leaves training records open to potential discrepancies or forgotten training issues. discrepancies

PERFORMANCE IMPROVEMENT: (Describe the difference between the actual and desired performance.)

1) Currently Dan is using poor judgement in making decisions as evidenced by the written disciplinary actions. Use better judgement when making decisions.
2) Currently Dan is semi-reliable in completing assigned or volunteered for tasks, leaving his leadership questioning whether tasks will be completed or not. Completing all tasks reliably on-time is expected.
3) Dan tends to not tell the complete story; glossing over the negatives and emphasizing the positives, the negatives are more important as that is what we learn the most from. We expect to hear full and unabridged accounts of his actions (deployments and training). He tends to not always keep his leadership informed of how his schedule changes. To accommodate requests for service, and other planning, he will need to ensure his leadership teams are kept current.
4) Dan seems to have trouble recognizing what his dog is 'telling' him. He is expected to become THE expert on 'reading' his dog.
5) Dan will minimize any deficits in performance and training, focusing mainly on the best performance. All deficits in performance will need to receive emphasis at least equal to the best performances and actions.
6) Dan tends to wait until the 'last-minute' to enter training events into Packtrack. Training and deployments need to be entered in a timely manner, **no later** than 24 hours after the end of training so that vital details are not lost.

ACTION PLAN: (Identify actions to help improve performance. Utilize SMART goals in establishing plan.)

1) Use the 'tools' you already possess to make better decisions.
    a. LE Experience
    b. Training
    c. Life Experience
    d. Legal Case Precedents
    e. Knowledge of Laws/Ordinance
    f. Knowledge of City/MPD Policy
    g. If something seems questionable, slow down and analyze the situation to ensure policy compliance.
2) Use the tools available to you to keep yourself 'on-track'
    a. MS Office tools
        i. "To do list"
        ii. Make a "Teams" Notebook for projects
    b. Use a notebook
    c. Use an alternate phone app / schedule
3) Extra duty work will be restricted to 8 hours per month
    a. Includes: all RollKall based jobs
    b. "Normal" work related O.T. does not fall under this restriction
    c. Example not mentioned that will work for you: _____
4) Ensure your leadership is kept apprised of what you are doing (schools, vacations, compensation time…etc.) especially the times you will be away. It is best that it be in

written form, as verbal communications can be forgotten during the course of conversations.
    a. Use Email
    b. Use Evertel
    c. Add your dates to the K9 Calendar (you should have edit access through outlook)
5) Become the 'expert' of reading your dog. It requires a lot of attention to detail as many of the changes in behavior exhibited by your dog are subtle. You have to know how your dog 'normally' acts, and when things are 'different' based on detection of odor.
    a. Do detection training while not watching, only listening to the dog's breathing. This will help you pick out his changes in sniff rate and breathing patterns
    b. Record odor detection, review it, and pick it apart.
        i. Cell phone
        ii. Go-Pro
        iii. Body-Worn Camera
        iv. Vehicle mounted camera
        v. Training with an experienced handler/trainer
6) The only way to learn and grow is through our mistakes. Put your pride aside, and highlight the things that did not go as planned. If you caused your dog to fail, own it – that way we can repeat it in training, and fix it. If your dog failed on his own – highlight and own that as well, we can find a way to fix it through the resources and connections we have available. Covering up deficiencies only makes them worse, it is much better to catch them early, before they become ingrained, and habitual.
7) Log all training and deployments in a timely manner. It should never take more than 24 hours after training ends to get them logged. Not logging them promptly leads to loss of important details.

MEASUREMENT: (Specify how desired performance will be measured. Give examples of timelines or milestones that will show achievement of desired performance level.)

1) Measurement criteria will be based on input from the sources listed below. The goal is to have no adverse formal documentation for the duration of this P.I.P (6 months from the initial delivery).
    a. Feedback from first line supervision (Sergeants)
    b. Lieutenant's note files
    c. Written disciplinary documentation
2) Measurement of success will be based on:
    a. The handler will complete and present a plan to Lt. Chapman detailing how they intend to ensure all tasks are completed fully and in a timely manner.
    b. All assignments will be completed fully and within the time agreed upon at the time of assignment.
3) Measurement of success will be based on
    a. Scheduled schools (when K9 team will be unavailable; whether attending or teaching) will be updated on the K9 calendar. Success will be achieved when there are zero undocumented schedule conflicts within the duration of this PIP.
    b. Scheduled time off (compensation time, vacation time, scheduled sick leave, and days off when unavailable) will be scheduled on the K9 calendar.
    c. Supervision is kept apprised on the status of all current projects
    d. K9 team is kept apprised of the working/training status and issues of your dog and yourself (problems, successes)
4) Measurement of success will be based on
    a. Provide Documentation (via PackTrack) that every training was completed.
    b. Follow through on E-Collar training. E-Collar training should, at minimum, be

completed once during each formal training held the first and third Thursday of every month.

c. Seeking the training out

Your primary source for coordinating formal training will be Lt. Chapman. When there are slower times during shift, you should seek out assistance from Sgt. Jensen as her schedule allows. You will need to actively seek times for training, we are both more than willing to help.

d. Monitored training
    i. Sgt. Jensen.
    ii. Lt. Chapman.

e. Increased Proactive open-air sniffs on vehicles. The measure of success for this will be: Officer Batteiger will conduct open-air sniffs on not-less-than 25% of the average number of vehicles a patrol officer, working Officer Batteiger's normal shift hours, stops in a month. (this number will be calculated: (total number of traffic stops made during Officer Batteiger's normal working hours / total number of Officers assigned to the shift(s) = W ; W / the number of days in the month = X ; X * number of days Officer Batteiger worked = Y ; Y * .25 = Z)
    i. Examples of ways to increase number of open-air vehicle sniffs
        1. Make Traffic stops
        2. Not waiting to be called to stops Patrol Officers Make
        3. Network with Ward County Narcotics Taskforce

f. Ability to articulate the changes in behavior (alert to odor) Cyrus exhibits. Success will be measured when Officer Battieger can consistently identify the changes as they occur in 'live' scenario training under the supervision of Lt. Chapman and Sgt. Jensen:
    i. Alerting to the presence of narcotic odor
    ii. Showing changes in behavior to the presence of distracting odor
        1. Animal
        2. Food
        3. Treats
        4. Tape
        5. Spices
        6. Misc.
    iii. Alerting to the presence of human odor
    iv. Proximity alerts

g. Pass tests, whether written or practical, designed to demonstrate your 'expert knowledge' of your dog.
    i. Conduct 'blind' tracks successfully
    ii. Mock Certification – NPCA Standards
    iii. Successful article searches
        1. Locate articles thrown into area covered by foliage using the dog.
    iv. Successful (Double Blind) Room, Vehicle and area searches for narcotics
    v. Successful Room and area searches for human
    vi. Apprehension, verbal out, recall
    vii. Obedience (NPCA Standards)

5) Measurement of success will be based
    a. Descriptions of training and/or deployments should mostly match in positives and negatives between handler, decoys, and other involved parties (officers, supervisors).
    b. Mistakes and unfavorable outcomes/actions need to be highlighted as much as successes.
    c. Recognizing it is through the mistakes we 'own', we grow.

6) Measurement of success will be based on
    a. Training event details recorded in PackTrak within 1 day (24 hours) after the training event ends.
    b. Deployments details will be recorded in PackTrak to greater than 1 day (24 hours) after the deployment ends.
    c. All documentation will contain detailed accounts of what happened during the training or deployment (using the most current template for training events).

OUTCOMES: (Identify positive and negative outcomes with the employee regarding meeting or not meeting expectations. If termination is a possibility, it should be clearly communicated in the plan document.)

Meeting or showing substantial progress toward meeting the goals of this PIP after 6 months will result in the handler and dog team remaining intact, and in service.

NOT meeting or showing substantial progress toward meeting the goals of this PIP within 6 months will result in the dog/handler team being dissolved, and Cyrus being re-assigned to a new handler.

Next Meeting Date:_____

Employee Signature:_____

Supervisor Signature:_____

Daniel Batteiger
Minot, ND 58703
October 22, 2024

Capt. Dale Plessas
Minot Police Dept.
Minot, ND 58703

Capt. Dale Plessas:
It is with regret that I tender my resignation from the City of Minot Police Department effective immediately.

Sincerely,

Daniel Batteiger
Mast Police Officer

City of Minot

Police Department

December 5, 2022

To: Senior Officer Amanda Somerville

Ref: Suspension – Standards of Conduct

This is a summary and order of discipline resulting from Senior Officer Amanda Somerville's conversation with Sgt. Matthew Pappenfus on September 12, 2022. This conversation was reference a call for service covered by Officer Somerville on August 8, 2022 (22-24208) pertaining to a theft from a vulnerable adult. Sgt. Pappenfus conducted follow up on the information provided by Officer Somerville and determined it appeared she was not truthful about the follow up calls she received from the complainant on the call.

During the investigation conducted by Lt. Matt McLeod, Officer Somerville admitted she denied receiving voicemails from the complainant on the call, even though she knew she had just deleted them. She stated the reason for not saying she did not return the calls was because she was embarrassed about not following up with the complainant as she stated she would. When I spoke to Sgt. Pappenfus, he agreed that her response was likely due to embarrassment about her work performance, and not a direct attempt to be deceitful about the call itself. Investigative report of Lt. Matt McLeod is available for further details of the investigation.

Regardless of the intent, dishonesty with superiors cannot be tolerated. Additionally, victims and others reporting crime deserve the respect and responsiveness of police department staff pertaining to their complaint; therefore, I find the following violations of policy and have set discipline based on the seriousness of the violations, which are all **sustained** and are basis for this disciplinary action.

- Policy 322 – Standards of Conduct
    - 322.5.7 EFFICIENCY
        (a) Neglect of duty
        (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper order, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
        (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
    - 322.5.9 CONDUCT
        (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good

order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

Discipline: As a result of these policy violations, I am ordering the following for Senior Officer Amanda Somerville:

- Officer Somerville will be suspended for a period of eight days (80 hours) without pay.
- A copy of this letter will be placed in the personnel file of Amanda Somerville at the City of Minot Human Resources Office.

John Klug, Chief of Police — 12/5/2022 Date

I have been given a copy of this disciplinary decision.

Amanda Somerville, Senior Officer — 12-05-2022 Date

Witnessed by:

Justin Sundheim, Captain — 12-5-22 Date

Optional waiver: I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

Amanda Somerville — 12-05-2022 Date

City of Minot

MINOT POLICE DEPARTMENT

LETTER OF REPRIMAND

EMPLOYEE: Lt. Dave Chapman

DATE OF INCIDENT/EVENT: Reported on: Dec. 14, 2023

Addressed with Lt. Chapman on March 27, 2024

DESCRIPTION OF INCIDENT(S):
On December 14, 2023, Sgt. Taylor Jensen discovered 15.7 grams of heroin missing from the K9 training kit. The internal investigation revealed this was likely lost by one of the K9 handlers, and Lt. Chapman is the K9 Coordinator, and is in charge of the program operation.

APPLICABLE VIOLATION(S) OF POLICIES/DIRECTIVES/TRAINING (LIST ALL THAT APPLY):
Policy 322: Standards of Conduct, 322.5.7 Efficiency (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable or bona fide excuse.

Although the Canine Coordinator responsibilities does not specifically speak to their accountability for the narcotics for training, it does fall under the overall policy, which is referenced. Lt. Chapman identified a need to put a more specific parameter in place for checking out/in the narcotics. Although the procedure was changed, there was no additional accountability or a random or scheduled check implemented by Lt. Chapman. This allowed handlers to continue checking the narcotics training aids out for longer times than allowed under the new procedure without accountability. The recommended actions steps below should clarify the accountability in policy. This should include some "shall" language to ensure some steps are taken periodically to make sure all narcotics (and other training aids) are accounted for by handlers and by the Coordinator.

HAS ISSUE BEEN ADDRESSED IN THE PAST? (VERBAL OR WRITTEN COUNSELING, DISCLIPLINE) LIST AND DATE ALL THAT APPLY:
No

ACTION STEPS TO CORRECT ISSUE (IF APPLICABLE):
Review Policy 309.4 and outline accountability measures for the Canine Coordinator pertaining to the accountability for Controlled Substances and other training aids used by handlers for training.
Review Policy 309.9.5 and recommend changes to the Chief of Police. Ensure these changes include inventory and accountability measures are in place.

City of Minot

MINOT POLICE DEPARTMENT

LETTER OF REPRIMAND

EMPLOYEE ACKNOWLEDGMENT: D.C 3-28-2024

(SIGNATURE) **(DATE)**

DAVID CHAPMAN

(PRINT NAME)

*Signature reflects acknowledgement of receipt of this counseling letter.

OFFICER COMMENTS (OPTIONAL):

DIVISION COMMANDER: 3/28/2024

(SIGNATURE) **(DATE)**

John Klug, Chief

(PRINT NAME)

DIVISION COMMANDER NOTES:

INVESTIGATION AND
ASSESSMENT REPORT
Confidential Information
Not For Distribution

To: Kelly Hendershot, City Attorney, City of Minot, ND

Subject: Investigation and Assessment of City of Minot Police Department Investigations Unit.

Conducted by: Michele Sturgell/Robert Jahn

Date of Report: March 4, 2021

Investigation Active: November 17, 2020 through March 4, 2021

Procedure: On November 17, 2020, City of Minot Human Resources Director, Lisa Jundt, contacted Michele Sturgell of Employers Council to perform a workplace investigation and assessment. Ms. Sturgell explained the investigation and assessment process to Ms. Jundt and clarified the investigator's role including the necessary expectations in this process as communicated to all participants and referenced below.

I, the undersigned, Robert Jahn, assumed the role of investigator in this matter from Michele Sturgell who began the investigation. Ms. Sturgell and I personally interviewed and prepared written summary statements for each witness. We communicated similar introductory remarks to each witness. These remarks addressed the purpose of the assessment and our role as a neutral fact finder, confidentiality expectations, the City of Minot's prohibition against retaliation for participation in the investigation and/or making complaints under the equal employment opportunity policy, and the expectation to be truthful.

Each witness reviewed his or her statement electronically. We encouraged each witness to make any additions, deletions, or other modifications necessary to accurately reflect his or her beliefs. Each witness was asked to review his or her statement to ensure completeness and accuracy and attest thereto by signing the summary statement.

All interviews were conducted via telephone. The following individuals were interviewed on the dates noted:

December 16, 2020:

1. Detective Robbie Sumlin

2. Department Liaison Jenna Bjork

December 17, 2020:

3. Sergeant Kevil Wilk

4. Master Officer Carmen Asham

5. Lieutenant Shawn Wegner

6. Detective Sergeant Dave Goodman

December 18, 2020:

7. Captain Commander of Investigations Dale Plessas

8. Master Officer/Detective Stephanie Lentz

December 21, 2020:

9. Detective Aaron Bowles

10. Detective Elijah Hanks

December 22, 2020:

11. Detective Kristin Guerton

12. Investigations Administrative Clerk Sarah White

13. Task Force Officer Charles “Shane” Johnson

December 23, 2020:

14. Patrol Sergeant Steve Schoenrock

December 29, 2020:

15. Master Police Officer Jay Bloyer

16. Patrol Sergeant Tyler Ruelle

December 30, 2020:

17. Master Police Officer Mikali Talbott

January 6, 2021:

18. Captain Jason Sundbakken

January 8, 2021:

19. Task Force Officer Ross Lakoduk

January 15, 2021:

20. Senior Human Resources Generalist Brittany Rust

January 20, 2021:

21. Chief John Klug

January 21, 2021:

22. Lieutenant Darren Dyke

January 25, 2021:

23. Captain Justin Sundheim

24. Lieutenant Shannon Lackey

Attachments:

1. Assessment Questions
2. Robbie Sumlin Summary Statement
3. Jenna Bjork Summary Statement
4. Kevin Wilk Summary Statement
5. Carmen Asham Summary Statement
6. Shawn Wegner Summary Statement
7. Dave Goodman Summary Statement
8. Dale Plessas Summary Statement
9. Stephanie Lentz Summary Statement
10. Aaron Bowles Summary Statement
11. Kristin Guerton Summary Statement
12. Sarah White Summary Statement
13. Elijah Hanks Summary Statement
14. Charles “Shane” Johnson Summary Statement
15. Steve Schoenrock Summary Statement
16. Jay Bloyer Summary Statement
17. Tyler Ruelle Summary Statement
18. Mikali Talbott Summary Statement
19. Jason Sundbakken Summary Statement

20. Ross Lakoduk Summary Statement
21. Brittany Rust Summary Statement
22. John Klug Summary Statement
23. Darren Dyke Summary Statement
24. Justin Sundheim Summary Statement
25. Shannon Lackey Summary Statement

Background and Summary of Issues

Founded in 1886, the City of Minot is located in Ward County, North Dakota. The City of Minot Police Department was founded in 1887. The Police Department is led by Chief John Klug. The Minot Police Department has three divisions: Patrol, Investigations and Administration. The Minot Police Department is comprised of 81 sworn officers along with 26 civilian support staff. Captain Dale Plessas, Commander of Investigations, supervises approximately nineteen (19) employees within the Investigative Division.

This assessment focused on events that occurred within the City of Minot Police Department's Investigations Unit. This investigator understands that, in November 2020, City Attorney Kelly Hendershot received a complaint from Sgt. Steve Schoenrock alleging Lt. Darren Dyke had received improper assistance on the promotional examination for the rank of Lieutenant which occurred on July 1, 2020.

It is this investigator's understanding that Sgt. Schoenrock also sat for the Lieutenant's examination. Specifically, Sgt. Schoenrock alleged that Senior Human Resource Generalist Brittany Rust was the proctor for that Lieutenant's exam and she impermissibly assisted Lt. Darren Dyke on the examination because he claims they were in an inappropriate sexual relationship. Lt. Dyke was eventually promoted to Lieutenant over Sgt. Schoenrock and other candidates.

This investigator further understands that scoring on the Lieutenant's examination is not the sole criteria for promotional considerations and other factors are considered during the selection process, including subsequent interviews, educational level, and law enforcement related experience.

This investigator also understands that Sgt. Schoenrock claimed that female employees within the Investigative Division were being differently than male employees.

After receiving Sgt. Schoenrock's complaint, Human Resource Director Lisa Jundt requested that Employers Council perform a workplace assessment based on questions selected by the City of Minot as well as an investigation to the claim of test taking improprieties.

Investigator Findings

The Findings sections identify the pertinent allegations and issues, followed by identification of specific sources of information from employees and managers. Investigator commentary follows to develop specific areas of concern, address credibility assessment, or provide other subjective comment. *For a comprehensive understanding of the issues presented here it is recommended that each summary statement be reviewed individually.* Unless otherwise noted, all information quoted below comes from the summary statements or follow-up conversations with this investigator.

Assessment Findings

Issue 1: **Are any employees treated differently than other employees? If so, why?**

Employees Responses:

Ms. Carmen Asham, a Master Officer who has worked for the City of Minot Police Department since 2011, states: "Yes. I have heard female officer complaining that they are treated differently. I have not experienced that myself. There is a lot more micromanaging going on with the female employees than the male employees. This is mostly from Lt. Wegner."

Mr. Aaron Bowles, a Detective who has worked for the City of Minot Police Department for three years, states: "Yes. It seems relatively arbitrary. I notice something I might be able to get away with, may not be the same for everyone else. There seems to be a concern by my peers that there is gender bias against females. I have not experienced but I believe my co-workers."

Mr. Bowles continues: "Something I have heard is that females have been talked to about their professional dress where there is really no standard. I believe our policy says business casual attire. I know several females have been talked to about their clothing. I have never seen anyone dressed inappropriately. I never seen them wear anything too low cut or too tight; they are always dressed appropriately."

Ms. Kristin Guerton is a Detective who has worked for the City of Minot for four and a half years, Ms. Guerton states: "Yes. Lt. Wegner treats people differently. I know that it has been addressed several times, more so females. I have never been treated differently or experienced any sexual harassment. I feel like he knows that if he tried to treat me like that, I would say something or try to shut it down. There are other women who are treated differently. Miki, she is newer, and she is treated differently. She is a bit of a people pleaser and Lt. Wegner takes advantage of that. She is often called out when she is not the next person up. There was a time when I was the next person on call and instead, he called Miki"

Ms. Guerton continues: “I asked Lt. Wegner why he did not call me. He said that Miki is his go to because she won’t say no. He takes advantage of her willingness to come in. Lt. Wegner has made comments some of the women’s clothing. Men can wear tennis shoes but if women do, he will make a comment. Miki one time wore black and white checkered pants and Lt. Wegner made a comment about them. There was a detective who dressed like a total slob (male) and Lt. Wegner never addressed it or said anything to him.”

Ms. Mikali Talbott is a Master Police Officer with the City of Minot Police Department. Ms. Talbott has been with the Department for six years, and her supervisor is Lieutenant Shawn Wegner. Ms. Talbott states: “Yes. Within investigations specifically, there are some supervisors that are somewhat sexist. For example, if I did something in an investigation that a male officer did the exact same way; I would be talked to, but the male officer would not. Shawn Wegner is the one who does that. I have been told that I am not the first person he has done that to.”

Ms. Talbott continues: “Shawn acts like females should not be outside the home or in law enforcement. He has also made comments about his daughter and that she should remain in the home. He also makes comments that women should not be in male dominated industries or basically anywhere outside the home. The experiences that I have been through with Lt. Wegner have been brought up with other supervisors and I was told that it would be taken care of. I specifically asked another supervisor if I should bring it up with Lt. Wegner in my annual review and I was told not to that it was taken care of. Here we sit a year later, and I wouldn’t say it is totally taken care of. Even with this year as a different year he still treats me differently.”

Ms. Talbott further states: “Just last week I was on vacation and he called my work cell phone. When I answered he told me I shouldn’t do that on vacation – but he called me. I have heard in the past that Lt. Wegner has told other females that their clothing was too tight, and they needed to change. I have not experienced it myself. Lt. Wegner is all over the place with case assignments. He loads his better people (those who will do the work and get it done) with more cases. Lt. Wegner does not know how to not overwhelm or overburden people. He would call me all the time to respond to a call regardless of the type or time. When Lt. Wegner was told he was overwhelming me, he made it seem like it was my fault for answering my phone. It was also brought up in my annual review that I need to learn to say no and take care of myself and I need to let my supervision know when I am overwhelmed.”

Mr. Ross Lakoduk is a task force officer who has worked for the City of Minot Police Department since October of 2012. Mr. Lakoduk’s supervisor is Special Agent Rob Browne, however, if Mr. Lakoduk states that if he has a complaint, he

directs those to Captain Dale Plessas. Mr. Lakodu states: "Yes. We in the task force are treated differently. We work out of a different office and are assigned to work directly with special agents. Sometimes we get left out of the loop on certain things, like personnel or equipment issues, or budget issues, etc. For example, if the detectives are getting new equipment, we find out later and then when I try to acquire the same equipment, I am unable to do so. Other times they don't understand how we do things in narcotics and they may want us to do something a certain way and we had to work through the differences with the task force."

Mr. Lakoduk continues: "I have also been told that some detectives (especially females) are treated differently based upon their gender. I have heard this from some of the female detectives. Some of the examples given were time management or micromanaging. The examples given were related to Lt. Shawn Wegner. The behavior they described was not something I experienced when I was in investigations. I also heard that Lt. Wegner made comments about their clothes or dress code and caseload issues as well."

Ms. Sarah White is an Investigation Administrative Clerk, and she has worked for the City of Minot Police Department for five years. Ms. White's supervisor is Lieutenant Shawn Wegner. Ms. White states: "It does seem like the male employees in the back are treated better than the female employees. They are definitely nicer towards the male employees and it appears that there is more respect toward the males."

Ms. White continues: "Sgt. Goodman is nice and respectful to everyone – regardless of gender so is Captain Plessas. Sgt. Wilk and Lt. Wegner are more misogynistic. This behavior is not directed toward me. Every now and then, Sgt. Wilk and Lt. Wegner can be condescending toward me, I don't take it personally and it seems to happen when they are in a bad mood. I have heard from other females this happens more often and not based on any other reason other than them being female."

Mr. Charles "Shane" Johnson is a Task Force Officer who has worked for the City of Minot Police Department since September of 2010. Mr. Johnson's supervisor is Special Agent Rob Brown; however, Mr. Johnson states he deals frequently with Lieutenant Shawn Wegner or Dale Plessas. Mr. Johnson states: "I would say so. It appears this is based on friendships or a good ol' boy system. It can also be impacted by how long someone has been there or work history. I have not seen anything that appears gender based."

Mr. Jay Bloyer is a Master Police Officer who has worked for the City of Minot Police Department since 2012. Mr. Bloyer's supervisor is Lieutenant Wegner. Mr. Bloyer states: "Yes in investigations there is some bias towards females and at least one of the road supervisors' treats people of color differently than anyone else. From what I have seen Lt. Wegner treats the women differently. He will

talk to them about uniform standards and doesn't care about how the men dress. When he was our road supervisor, he would single out women for productivity issues and he wouldn't do that with the male officers."

Mr. Bloyer continues: "In the comments, Lt. Wegner makes he will ask (or tell) someone to do something and then blame them for doing what he said. I have heard rumors from others about the same thing from Lt. Wegner. Shannon Lackey treats people of color differently. The most obvious way is that she makes comments that are off-color. Lt. Lackey treated Officer Hanks disrespectfully. She would have him start her car and throw keys at him (she did not do that with anyone else). He also would sing when he was walking around. If he would rap, she would tell him not to do that but if he was singing anything else, she did not say anything to him."

Ms. Jenna Bjork is a Department Liaison who has worked for the City of Minot Police Department for four and a half years. Ms. Bjork's supervisor is Dave Goodman. Ms. Bjork states: "Within the investigations divisions, I haven't seen that. I have heard my co-workers in the division complain about it. I have heard that Lt. Shawn Wagner is sexist and treats the guys differently than the girls. I have not experienced that with him. Outside of the division, I think there is some good-ole boy's club vibes within the department."

Mr. Robbie Sumlin is a Detective who has worked for the City of Minot Police Department for six years. Detective Sumlin's supervisor is Dave Goodman. Mr. Sumlin states: "No, I don't think so."

Ms. Stephanie Lentz is a Master Officer/Detective who has worked for the City of Minot Police Department for seven years. Ms. Lentz's supervisor is Sergeant Kevin Wilk. Ms. Lentz states: "Generally no. There are some specifics that involve differential treatment. In our section, we have quite a few specialties like crime scene response unit. These individuals are called out more often than the rest of us. They are leaned on more than the crime scene response people in patrol. We are extremely taxed in investigations and it seems a bit much."

Elijah Hanks is a Detective who has worked for the City of Minot Police Department for four years. Mr. Hanks's supervisors are Sergeant Dave Goodman and Sergeant Kevin Wilk. Mr. Hanks states: "I don't believe so in investigations or the department as a whole from what I have seen."

Managers Responses:

Mr. Jason Sundbakken is a Captain who has worked for the City of Minot Police Department since 1996. Mr. Sundbakken supervises approximately thirty employees. Mr. Sundbakken's supervisor is Chief Klug. Mr. Sundbakken states: "I would say in general yes. The reason would be based upon experience. New employees are going to be treated differently (i.e., not as much responsibility) than a more experienced officer. In the broader terms (like in terms of gender) I

have not seen that."

Mr. Steve Schoenrock is a Patrol Sergeant who has worked for the City of Minot Police Department for approximately fifteen years. Mr. Schoenrock supervises approximately fifteen employees. Mr. Schoenrock reports to Lieutenant Darren Dyke. Mr. Schoenrock states: "Yes. The females in investigations appear to be treated differently than the males. Additionally, Lt. Lackey treats the female officers differently than the male officers. She seems to have conflict with some of the ambitious women. I am not sure if she is threated by them, but I have heard from some of the female officers that she is very difficult to work with."

Mr. Tyler Ruelle is a Patrol Sergeant who has worked for the City of Minot Police Department for eleven years. Mr. Ruelle supervises around five to eight people. Mr. Ruelle's supervisor is Lieutenant Darren Dyke. Mr. Ruelle states: "From what I see, yes. People are treated differently based upon their needs. For example, a new officer would need more supervision than an experienced officer."

Mr. Ruelle continues: "The standard regarding appearance is different between men and women. I have to come to work clean shaven and with a clean haircut, but the women can have different colored hair or fingernails. I don't know what the distinction is, and why the men cannot have a well-trimmed beard. Punishment wise, it seems fair and based upon progressive discipline."

Mr. Dale Plessas, a Captain who has worked for the City of Minot Police Department for approximately nineteen years and supervises approximately 19 employees states: "There is a big difference between being treated differently and unfairly. For example, if an employee has a strength or a short coming, they may be treated differently due to that, but the treatment is never unfair."

Mr. Dave Goodman, a sergeant who has worked for the City of Minot Police Department for 31 years and supervises four employees, and reports to Lieutenant Shawn Wegner states: "Not that I have seen or been made aware of. I haven't had anyone come to me, in the last few years and express to me that they have been treated differently. I think the only time that has happened was about 5 years ago and that person has since left our agency."

Mr. Kevin Wilk is a sergeant who has worked for the City of Minot Police Department since 2005, he supervises twelve employees. Mr. Wilk's supervisor is Shawn Wegner. Mr. Wilk states: "I don't think so. I think everyone is treated fairly. There are stretches where it is the same guys who are volunteering to help out when we need help. I am not sure that is treatment necessarily."

Mr. Wilk continues: "Everyone pitches in to help out, but some people pitch in more. Part of that issue is that our department isn't big enough to have a dedicated crime scene unit, the people in that unit are also assigned to other

divisions as well. They can be burning the candle at both ends. They have tried to get more patrol officers involved in crime scene. This would help some of the investigators who workdays from getting called out in the middle of the night and would help patrol officers get more experience. There hasn't been enough interest from patrol."

Shawn Wegner is a Lieutenant who has worked for the City of Minot Police Department for over twenty years. Mr. Wegner supervises eleven employees, and his supervisor is Captain Dale Plessas. Mr. Wegner states: "Within my group, I don't believe we treat anyone differently."

Mr. Wegner continues: "When it comes to case assignments, I try to even that out as much as possible. Some people have certain specialties. I try and keep the case types and numbers as fair as possible. There might be speculation in the department as a whole that based upon prior friendships certain people were "taken care of" or given promotions. This based upon an appearance, not necessarily based on proven facts. This is not in the investigations division."

Ms. Shannon Lackey is a Lieutenant with City of Minot Police Department, Minot, North Dakota. Ms. Lackey states: "I started working at the department as a patrol officer. I became Sergeant in the Patrol Division, then became a Lieutenant in the Patrol Division, and now I am a Lieutenant in the Administrative Division. My current supervisor is Captain Jason Sundbakken."

Ms. Lackey continues: "I understand that some members of the department have alleged differential treatment. I have no direct knowledge of any differential treatment and I have not received or observed any differential treatment."

Chief John Klug is the Chief of the City of Minot Police Department, Minot, North Dakota. Chief Klug states: "I became Chief in February 2020. I started working for the department in 1995 and worked my way up through the ranks to be promoted to Chief in 2020. I report to the City Manager. I understand that the City Attorney has requested that Employers Council provide an assessment of working conditions within the department based on recent complaints made by some members of the department."

Chief Klug continues: "I understand that some members of the department have alleged differential treatment based on friendships within the department. I have no direct knowledge of any differential treatment and I have not received or observed any differential treatment. As the Chief of Police and department head for the police department, I understand and hold true to treat all employees with fairness and respect regardless of my connection or friendship, either past or present."

Mr. Darren Dyke is a Lieutenant with City of Minot Police Department, Minot, North Dakota. Mr. Dyke states: "I started working at the department in February

1998 as a patrol officer. I became Sergeant in 2010 and became a Lieutenant in 2021. My current supervisor is Captain Justin-Sundheim and Captain Dale Plessas."

Mr. Dyke continues: "I understand that some members of the department have alleged differential treatment. I have no direct knowledge of any differential treatment and I have not received or observed any differential treatment."

Mr. Justin Sundheim is a Captain with the City of Minot Police Department, Minot, North Dakota. Mr. Sundheim states: "I became Operations Captain in February 2020. I started working for the department in May 2000 as a patrol officer and I was later promoted to Sergeant in 2009. I was thereafter promoted to Lieutenant and then promoted to Captain. I report directly to Chief John Klug. I understand that the City Attorney has requested that Employers Council provide an assessment of working conditions within the department based on recent complaints made by some members of the department."

Mr. Sundheim continues: "I understand that some members of the department may perceive there is differential treatment based on friendships within the department. I have no direct knowledge of any differential treatment and I have not received or observed any differential treatment. I do note that an officer, who is disciplined for work violations, or has observed performance issues, may be treated differently in the sense that he or she made be reprimanded or assigned different tasks to rectify the disciplinary issue."

Comment: This investigator finds the majority of responses to this question seem to suggest that there is differential treatment of female employees within the Investigative Division; however, there appears to be a disparity of opinions among the ranks of the police officers. It would suggest that the more senior officers do not observe any blatant different treatment among employees aside from administrative or professional differences whereas lower ranking officers report direct differential treatment of female employees pertaining to dress code, caseload assignment, and work-related duties.

This investigator notes that Lt. Shawn Wegner is referenced more than any other supervisory officer and there are specific complaints of gender bias directed at him professionally. Most of the complaints of gender bias and differential treatment among employees made by the lower ranking officers are directed at Lt. Wegner in much greater proportion than other managing level employees. There does not appear to be widespread disparate treatment within the Investigative Division rather the claims are more focused on that one individual.

It is noted that some of the criticisms are related to dress code or attire for female employees compared to male employees. For example, Ms. Guerton stated that Lt. Wegner has made comments some of the women's clothing and men can wear tennis shoes but if women do, he [Lt. Wegner] will make a comment. Mr.

Bowles noted: "Something I have heard is that females have been talked to about their professional dress where there is really no standard. I believe our policy says business casual attire. I know several females have been talked to about their clothing. I have never seen anyone dressed inappropriately. I never seen them wear anything too low cut or too tight; they are always dressed appropriately."

Ms. White, a civilian employee, observed that the male employees are treated better than the female employees. She stated: "They are definitely nicer towards the male employees and it appears that there is more respect toward the males."

This investigator concludes that there is a perception, among the lower ranking officers, of differential treatment of female employees, compared to male employees, within the Investigative Division. That perception does not appear to exist among the higher-ranking officers. Notwithstanding, this investigator notes that the upper management, starting with the Chief, would not seem to accept or tolerate differential treatment once confirmed.

Issue 2: **Do you feel managers respect employees? If not, why not?**

Employees Responses:

Ms. Bjork states: "Within the division, yes. Shawn's issues are not based on respect he just wants to be liked by everyone. Dave is great to work for and I have no complaints about him. Lt. Wagner can go out of his way to help when personal things have gone on."

Ms. White states: "Captain Plessas and Sgt. Goodman definitely do. Lt. Wegner says that he does but he is not very good at showing that, same with Sgt. Wilk. He can act respectful towards some people, but I don't think he does so with everyone."

Mr. Bloyer states: "For the most part yes. I would not say that there are others (other than Lt. Wegner and Lt. Lackey) who are disrespectful. There are some that are not good managers, but I would not say that they are necessarily disrespectful."

Mr. Sumlin states: "Yes."

Mr. Hanks states: "Yes."

Ms. Guerton states: "Sometimes. If you do a good job on a case, they might mention it. There is a lack of respect with investigators and management. Sgt. Wilk and Lt. Wegner are absent and don't really understand the job; sometimes that creates a lack of respect toward them. Being on call is so stressful and partly because you don't have your supervisor to fall back on. You can't call them; they probably won't answer. You can call Dave Goodman and he will help but

not the other two. We are a young department, so we need more support from managers, and we don't always get it."

Mr. Johnson states: "Generally yes. There are some managers who do not. Paul Burns does not respect employees in how he treats people or speaks to employees. I know there have been issues with Matt Mcloud as well. He is known for having an abrasive personality and is disrespectful. I don't work in the building presently and have not for the past 5 years."

Ms. Lentz states: "I don't think they show disrespect directly, but I think there is a line drawn. If you can see that your employees are overwhelmed or overburdened, then a supervisor could or should pitch in and help. I don't see that, and it seems like they don't really care how overburdened we are, but just care that the work is done."

Ms. Talbott states: "Some do, and some don't. The ones who don't make it apparent, like in how they communicate or approach you. They don't hesitate to make you feel like a number and you are replaceable. Lt. Wegner and Sgt. Wilk fall into that category. Sgt. Wilk is kind of inexperienced in investigations, so I am not sure if that relates to his behavior. Others will go out of their way to make you feel important or needed. Sgt. Goodman is all about his people and is always making sure people have what they need."

Ms. Talbott continues: "Captain Plessas is new to being my captain, so I am not sure about him. Lt. Lackey can be very aggressive with females and has made racist comments to another black officer. I was not present for this, I heard about it later. She claims to be about women in the workplace, but she is very aggressive. She should never have been promoted to Sergeant or Lieutenant, but she is friends with Chief. She is always being complained about nothing happens to her. I used to work nights and Sgt. Shanerock is good and looks out for his people. Sgt. Burns and Sgt. Foley have a different style. I don't think they do it to be malicious they just have a different viewpoint."

Ms. Asham states: "No. It seems like our concerns and complaints are not addressed. If feels like you are not being taken seriously. For me specifically one of the issues is caseloads. Because of extra duties I have, I am assigned extra cases from the State. We were told if we had these other cases that our normal caseload would be lessened but that has never happened."

Mr. Bowles states: "There is a manager who is getting ready to retire and he is the consummate professional. He respects everyone. The others, not so much. They are quick to dismiss, from what I have seen. They can also sidestep issues which can be seen as disrespectful. I, personally, have had a good experience."

Mr. Lakoduk states: "I think it depends on which manager you are talking about. Overall, there isn't a large issue with that but there are a few. Lt. Wegner does

not appear to respect all employees, especially the females. Lt. Shannon Lackey is on patrol right now, but several officers have had issues with her, including myself. Her management style needs improvement or is lacking as is. I have been questioned with how certain things were done."

Mr. Lakoduk continues: "In this type of questioning it appears they don't know or understand how we do business. We have also had issues with getting patrol assistance regarding an arrest. I also heard that Lt. Lackey was screaming at people over the radio and accosted people over the radio. I also heard that some officers were yelled at or reprimanded for helping us (in the task force). There has not been a change in Shannon Lackey's lack of respect in my time at the department and yet she is still promoted."

Managers Responses:

Mr. Plessas states: "Yes. I feel respected by my manager as well."

Mr. Sundbakken states: "As a manger, I do. Overall, I think the supervision in the department is respectful of employees."

Mr. Wilk states: "Yes, I think they do. I feel respected from my supervisors. They will listen to me when I bring issues forward. I brought up that we need at least another 7 investigators. There are senior and master patrol that are assigned to investigations when there are openings. They do so much more work and are not paid any more for this. There is no value for this extra work. There is no compensation for being on call either."

Mr. Wilk further states: "There is only compensation if you are called out. I brought this to my Captain. He was respectful when I brought it to him. I disagreed with his answer that money does not motivate people. In the last five years we have lost 15 investigators to other agencies. I also brought that up. Everyone said they left because of the caseload, being on call, and not being valued. These experienced investigators left for more pay and feeling valued. I felt like I was brushed aside but they were respectful to me when listening."

Mr. Goodman states: "I feel that they do. My manager is respectful of me."

Mr. Wegner states: "Yes. In my division that is always in the forefront of our minds. We have a weekly supervisor meeting, and we discuss that in those meetings. There is a lot of care and respect in those meetings. In investigations we have to have someone on call all the time. I am not required to be on call but with our shortages I have been taking call shifts. I did those so that I wouldn't have to change the schedule on someone through Christmas Eve when they weren't expecting it."

Mr. Wegner further states: "I am on my third boss in 5 years. The most current one took over 10 months ago. We have also been dealing with COVID and he is

learning the job. I don't feel disrespected."

Mr. Schoenrock states: "Some of the managers do and some do not. The majority of supervisors are pretty respectful. There are a few old-fashioned people who are not respectful of all backgrounds. Lt. Lackey plays favorites and Lt. Wegner is not always respectful as well."

Mr. Ruelle states: "Some of them do respect employees. Generally, amongst the Sergeants there is a lot of respect. My immediate Lieutenant and the other patrol lieutenants seem to respect employees. As for the Captains and the Chief, they say that they respect employees, but their actions don't always show that. We just had this major change and it greatly affects the Sergeants, but they didn't talk to use beforehand or ask our opinion. This feels disrespectful."

Ms. Lackey states: "I do feel that managers/supervisors show respect for subordinate employees."

Chief Klug states: "In my experience, I do feel that managers/supervisors show respect for subordinate employees. Some supervisors do have a direct approach and do not 'sugarcoat' their orders or commands. I understand that often, employees may confuse directness with being disrespectful or 'rude', but I believe the supervisory level employees do respect their subordinates. There is generally more issue with the style and method of communication and the perception and judgement of the persons past behavior, whether true or accurate, that bring negative meeting to some messages."

Mr. Dyke states: "I do feel that managers/supervisors show respect for subordinate employees in general."

Mr. Sundheim states: "In my experience, I do feel that managers/supervisors show respect for subordinate employees. Some supervisors do have a direct approach and do not "sugarcoat" their orders or commands. I understand that often times, employees may confuse directness with disrespectful, but overall, I believe the supervisory level employees generally respect their subordinates."

Comment: This investigator finds most responses to this question suggest that the managers in general do respect their subordinates. The overall assessment pertaining to this question reveals most employees feel most managers show them respect in their capacity as supervisor.

In a sampling of employee's responses, Mr. Ruelle states: "Some of them do respect employees. Generally, amongst the Sergeants there is a lot of respect. Mr. Lakoduk states: "I think it depends on which manager you are talking about. Overall, there isn't a large issue with that but there are a few. Mr. Bloyer states: "For the most part yes. I would not say that there are others (other than Lt. Wegner and Lt. Lackey) who are disrespectful. There are some that are not good

managers, but I would not say that they are necessarily disrespectful." Several employees simply responded "Yes" to the question posed.

Again, as with the preceding Issue No. 1 Comment Section, there appears to be some division between the higher and lower ranking officers of the department with the higher members generally stating that managers show respect towards subordinate employees.

This investigator finds that overall responses to this question finds that managers do seem to respect their subordinates.

Issue 3: **If you had to report an issue about your director or manager to upper-level management, would you feel comfortable doing so?**

Employees Responses: Ms. Asham states: "Yes."

Mr. Johnson states: "Yes."

Mr. Sumlin states: "Yes."

Mr. Hanks states: "Yes, I would."

Mr. Bloyer states: "Yes, I would feel comfortable doing that. I am not sure if anything would be done about it, but I would feel comfortable doing that."

Ms. Talbott states: "Yes, depending on who I had to go to. In the past I have talked to other supervisors about what is happening I am told that they will take care of it. It only gets better for a week or so. I am comfortable going to some of them, like Sgt. Goodman."

Ms. White states: "I think I would. Captain Plessas is very good at listening and you can tell he definitely cares. You never know if anything is going to be done about it. This is common with the higher ups within the department."

Ms. Bjork states: "To my Captain, yes. I would not bring anything to the Chief. I wouldn't confront Lt. Wagner directly."

Ms. Lentz states: "I know that it has been done in the past and nothing happened, it feels like it fell on deaf ears. I would feel comfortable doing it, but I am not sure anything would be done about it."

Mr. Bowles states: "At this point no. Within the last couple of weeks, I had a major complaint, and it was swept under the rug. The higher you go up the chain the more we feel like a cog in the wheel. That doesn't feel good."

Ms. Guerton states: “No because it falls on deaf ears. I would feel comfortable talking to someone about it, but I know that nothing is going to change. We have had multiple sit-down meetings with more people, and nothing changes, nothing happens when we complain.

Mr. Lakoduk states: “It might depend on the situation. I have seen that sometimes complaints however valid are always taken as serious as I would have seen them. This may lead to me not feeling entirely comfortable going up the chain. I am not sure if I went higher that anything would actually be done about it.”

Managers Responses:

Mr. Plessas states: “If I had to do that, I would do so.”

Mr. Sundbakken states: “Yes. I would feel comfortable reporting any issue regarding the Chief to his supervisor (which is the City Manager).”

Mr. Wilk states: “Yes.”

Mr. Goodman states: “I have been with the agency longer than anyone else. I recognize that I have been respected by my co-workers and a lot of times my supervisors have come to me. If I ever felt like I needed to go up the chain of command I would feel comfortable doing so. In the past, there were times when I was not comfortable this was a result of not having as much experience.”

Mr. Wegner states: “Yes.”

Mr. Schoenrock states: “I would feel comfortable doing it, but I don’t think my voice would not be heard. I don’t think anything would be done about it. That is part of why I went to Kelly. I have seen instances where things have not been addressed in the past.”

Mr. Ruelle states: “No, not within the department. It seems like everyone is really close. The lieutenants are either really close with or afraid of the Chief. It seems like they don’t want to say anything to the Chief that he doesn’t want to hear. I wouldn’t want to have anything come back negatively on me.”

Ms. Lackey states: “Yes. I would.”

Chief Klug states: “Yes. I would.”

Mr. Dyke states: “Yes. I would.”

Mr. Sundheim states: “Yes. I would.”

Comment: This investigator finds that the overall responses to this question seem to suggest that employees would feel comfortable reporting an issue with their superior to upper-level management. There are some employees who feel they would not be comfortable reporting an issue with their superiors to upper management, but the majority of the responses confirm that employees would report an issue without hesitancy.

The responses from the upper management of the department must be assessed in conjunction with each member's applicable rank. From the rank of Lieutenant up, there may be little significance given to the affirmative responses by higher ranking members.

This investigator concludes that the assessment to this question suggests that most employees would feel comfortable reporting an issue with their superior to upper-level management.

Issue 4: **Do you feel your manager is approachable?**

Employees Responses: Ms. Asham states: "Both Sgt. Wilk and Lt. Wegner are approachable but not helpful. They both are open to having someone ask questions or ask for help, they just don't offer the help that is needed. For example, advice on how to work a case. I think this stems from lack of knowledge and experience on their part. This results in me asking someone else who does have that knowledge and experience."

Ms. Talbott states: "Sgt. Goodman is very approachable. I can go to him with anything. He is super easygoing and easy to talk to. I can go to Lt. Wegner with certain things, but it isn't worth my time. He will usually blow it off or not acknowledge me. Sgt. Wilk is ok depending on what we are talking about. He can't keep things confidential so if I am going to talk about someone else or someone else's work, I wouldn't do that."

Mr. Sumlin states: "Yes. I get along with him well and he is personable and easy to get along with."

Mr. Hanks states: "I do."

Mr. Lakoduk states: "Regarding day-to-day stuff or minor issues or updates, yes they are approachable. Lt. Wegner tries to have open communication, at least with me. Generally, he tries his best (as well as Captain Plessas) to get me whatever training or equipment I need. I haven't had to take anything serious to Lt. Wegner so I can't necessarily speak to that. I did have to take an issue with a detective with Captain Plessas."

Mr. Lakoduk continues: “This detective appeared to have an issue with how I directed the investigation and we eventually worked out a solution. Captain Plessas was helpful and approachable in that regard. He (and Wegner) didn’t have a lot of investigation experience when he came into his role. He has been very open about that and is open to learning. If I had something serious, I would take it to Captain Plessas first. Also, Lt. Wegner is moving to patrol, and I don’t know who is taking his place.”

Mr. Johnson states: “Lt. Wegner and Captain Plessas are very approachable.”

Ms. Guerton states: “In a way. I feel like I can talk to them. Sgt. Wilk is almost too approachable; he talks and talks but it doesn’t go anywhere. He doesn’t understand the job and how stressful it is. Our work environment is also not ideal because we work in cubicles and it is so distracting and hard to get anything done because it is so loud, and everything is going on. Sgt. Wilk doesn’t understand the job. He is the type of person that says he doesn’t understand why we (some of us) come in early.”

Ms. Guerton continues: “Lt. Wegner is approachable, but I won’t go to him with a complaint or guidance on a case. I don’t think he knows what to do in the job. He’ll talk and talk, but at the end of the conversation you are nowhere. Dave Goodman isn’t my supervisor, but I’ll go to him because he knows and is experienced. We are losing him soon and I hate to see what will happen to the department.”

Ms. Lentz states: “Yes. Sgt. Wilk is approachable. Lt. Wegner is approachable, but things fall on deaf ears. If I want to go to training, he’ll answer me very quickly. If I have another issue, it seems like he always has to check with someone else and then I never hear back from him. Whenever there is a bunch of us that can’t handle the caseload and we go to Lt. Wegner, nothing changes.”

Mr. Bowles states: “My immediate supervisors, yes. It diminishes the further you go up the chain. Any manager will listen to what you have to say as long as it is not contrary to an order they have given. I don’t know what happens after you approach them.”

Ms. Bjork states: “Absolutely, Dave Goodman is great. Lt. Wagner is approachable, but I am not comfortable with him and I don’t necessarily think that he will do anything about whatever is brought to him. He sometimes plays the game of “it’s not my responsibility or job.”

Ms. White states: “Depending on the day. If he is in an extremely bad mood, he is not pleasant to talk to. If he is in a good mood, he is super approachable and easy to talk to. It depends on his mood for the day.”

Mr. Bloyer states: “If I had problems, I would not go to the investigations

people. I would go to one of the other Captains I have worked with before (Captain Sundheim, Sgt. Ruelle and Sgt. Schoenrock)."

Managers Responses: Mr. Plessas states: "Yes, I think he is approachable."

Mr. Goodman states: "Yes."

Mr. Sundbakken states: "Yes, absolutely. The Chief is approachable."

Mr. Wilk states: "Yes. I don't have any problems talking to anyone who is superior to me. I can report information, but I feel like the major issues are not addressed."

Mr. Wegner states: "I have a decent relationship with my Captain and the Chief, and I have never had an issue approaching either one."

Mr. Ruelle states: "Yes, I think he is. I don't have any issues talking to him."

Mr. Schoenrock states: "I would not take anything to Darren. I don't think he has anything to offer as far as patrol. I respect the chain of command, but I don't think he knows as much as he should in his position."

Ms. Lackey states: "Yes. I do."

Chief John Klug states: "Yes. I do."

Mr. Dyke states: "Yes. I do."

Mr. Sundheim states: "Yes. I do."

Comment: This investigator notes that this question is similar to the preceding question of whether employees comfortable reporting an issue with their superior to upper-level management. The overwhelming consensus from all ranks of employees is that their direct manager is approachable.

This investigator concludes that the assessment to this question suggests that most employees believe their managers are approachable.

Issue 5: **Is there anything else related to the management of your work area that you would like to talk about?**

Employees Responses: Ms. Asham states: "No."

Mr. Bowles states: "No."

Mr. Sumlin states: “No.”

Mr. Johnson states: “No.”

Mr. Lakoduk states: “I don’t think so as I am currently removed from the physical building at the City.”

Mr. Bloyer states: “I don’t think so.”

Mr. Hanks states: “No, everything is fine for me.”

Ms. Bjork states: “Lt. Wagner is not a good employee. He is smart and knows the job, but he is good a manipulating people and acting like he doesn’t know. He also seems to sabotage things that would require him to do more work even if it would benefit the department as a whole. He has a good group of investigators that work hard, and he coasts by. He is just lazy, and I don’t think that leaving the division is going to change that.”

Ms. Talbott states: “It is hard to approach the older generation within the police department. They are set in their ways and don’t want to adapt or change with the newer generation of officers and the changing times. It can be difficult to deal with that. It would be beneficial if they would treat people like people instead of like numbers; replaceable at any time and overworked and under paid.”

Ms. Guerton states: “Only that everything falls on deaf ears. The people that they choose for management positions doesn’t make sense. When Sgt. Wilk was chosen for his role there were 4 options and they asked us who we would like. The options were not great. There is a female officer that is very hard to deal with and she breaks people down – somehow, she is a lieutenant now which is shocking. It is weird that changes are happening; two main people who are problems are getting moved. The person who would be a great Lieutenant in investigations can’t be because the Chief is his brother-in-law. They should make an exception or something – we need good people.”

Ms. Guerton continues: “I am not sure the new lieutenant is going to be the best fix; we will have to see. When Dave Goodman retires, I do not know who we will go to for help. The State’s Attorney’s office is a large part of our battle and they are difficult to work with on top of everything else. I do DV cases, and they are terrible in how they treat victims, I find myself having to compensate for their lack of care or experience. Cases are getting dismissed like crazy because of their errors. They are not prepared when they go to court as well. I have had to tell victims to call the State’s Attorney herself to address their concerns. I wrote a letter to one of our Captains about what was going on in their office.”

Ms. White states: “There have been concerns brought up by the employees in our department. We have brought forward complains or ideas for changes and it doesn’t seem like anything is ever done. That frustrates a lot of the detectives. Also, communication from the brass to the rest of the division seems really bad lately.”

Ms. Lentz states: “Lately it has been difficult to see how things are going due to COVID and many of us working from home. I personally don’t understand what there is to supervise if they are not responding out to calls. Only looking at paperwork is not full supervision. A couple years ago, I had an annual review. One of the shortcomings on my review was that I was friends with another female officer, and she was bringing me down. This had nothing to do with my work product and did not involve anything I could do to fix. This did not seem constructive.”

Managers Responses:

Mr. Plessas states: “In general, I am fairly new to the investigations team. I started in February. I got briefings from the former Captain and my subordinates, so I knew the challenges in this position. The stress on my division is huge. We have higher caseloads and more serious cases then we have ever seen. The outgoing commander also mentioned that there were leadership challenges in the division that I would have to deal with. The leaders were unable to lead and manage their employees. This did not appear intentional but as a result of issues. Previously, employees were bypassing the lieutenant and going straight to the Captain.”

Mr. Plessas continues: “In an attempt to fix that, we moved the Captain physically further away from the Lieutenant to empower him to manage employees. I also heard from employees that they felt there were being treated unfairly partly due to workloads. We had a lot of leadership challenges and we have been trying to work through them. Some detectives only have part of the information and only see outward facing info and can get frustrated. Unfortunately, we can’t always share what goes on behind the scenes (for example if an employee is on a performance improvement plan) and that leads to frustration.”

Mr. Wilk states: “Yes. I don’t have any problems talking to anyone who is superior to me. I can report information, but I feel like the major issues are not addressed.”

Mr. Goodman states: “No. I have worked for several different supervisors and I recognize that people are different and have different styles. Over the years I have had to adapt depending on the person that is just because people are different.”

Mr. Wegner states: “No. We are just trying to get the job done with not enough

people, we are often spread too thin."

Mr. Schoenrock states: "On night shift we are often the forgotten group. The night shift is a very tight knit group. What I don't like is that over the years we used to have trainings during the cross over time with the afternoon shift. Also, there is no consideration for court appearances because those are during the day and yet we are expected to go back to work the same night."

Mr. Schoenrock continues: "Also there is no shift differential for working nights. Also, there isn't going to be a Lieutenant in the overnight shift. It would be nice to see management care more about us (night shift) and take better care of us."

Mr. Sundbakken states: "No, I don't think so."

Mr. Ruelle states: "I don't think so."

Ms. Lackey states: "I have only been working as a Lieutenant in the Administrative Division for a short period of time. There is currently nothing that I need to discuss related to my management at this time. I do believe I should have been promoted earlier in my career and I believe some male co-workers were promoted more rapidly during my time working for the department."

Chief John Klug states: "I have only been working as a Chief for a short period of time. There is currently nothing that I need to discuss related to my management at this time. Based on my knowledge of the current investigation, as Chief, I do wish to correct any employee relationships or perceptions within the department that are the subject of any complaints."

Mr. Dyke states: "I have only been working as a Lieutenant for a short period of time. There is currently nothing that I need to discuss related to my management at this time."

Mr. Sundheim states: "There is currently nothing that I need to discuss related to my management in my role as Captain at this time. Based on my knowledge of the current investigation, I do understand that management will attempt to correct any employee relationships or perceptions within the department that are the subject of any substantiated complaints."

Comment: This investigator finds that the overall responses related to the management of specific work areas reveal nothing to address or correct. This investigator does note that, of the few affirmative responses suggesting additional discussions, those seem to stem from a small group of employees who reported issues with management.

Most employees indicated they had nothing to address concerning their specific

work area. The suggestions that are related to specific work areas seem to be ministerial and administrative in nature and not substantive.

Issue 6: **Are there any divisions within the department? If so, what do they seem based on?**

Employees Responses: Ms. Asham states: "Yes. I think the divisions are natural and this is true in any place of employment. There are definitely cliques of people that get along better; shifts or age groups that get along better."

Mr. Bowles states: "I think every department has people who are favorites, who seemingly can get away with anything. I feel like within investigation the people who might get away with more, work harder for it so less is said about it. I feel like I fall somewhere in there."

Mr. Bowles continues: "Working from home has crushed my ability to be effective. We were recently told that we will stay at home unless we have a reason for coming into the office. I am less effective and productive from home. But no one says anything to me."

Ms. Bjork states: "There is a division between the higher-ups and the lower ranking. There are a few bad apples that create the division. Within the division, Lt. Wagner is lazy and doesn't care. He can overload one investigator with a large caseload and others have fewer and easier cases. That creates division and low morale. It makes everyone disengage and that is too bad because they are an incredible group of people."

Ms. Talbott states: "Yes. A big division is younger generation vs older generation. Some of the older officers are more open to listening to the younger officers but others don't want to hear anything like that. In investigations we have one of the highest rates of female officers so that is nice to see the added diversity."

Mr. Lakoduk states: "There is animosity with some supervisors with the task force officers and how we conduct our business. I have personally had complaints or causing issue (borderline upset) type questions with how we do our work. They have either demanded we do it differently or sternly stated that we shouldn't be pulling in their patrol officers. I have also gotten issues when I have asked for assistance and the response was, I don't know if we have the people. There is almost an unsaid opinion that they don't want to help."

Mr. Lakoduk further states: "I have also heard that some supervisors don't like the way do things or don't approve of how we work our cases. I blow off the minor jabs at how we do things, but it is still there. I think there is also a division between those in patrol and those in investigations. Everyone has their

opinion about how things should be done, even if they are not the ones doing the work. I don't think it rises to the level of causing work not to get done."

Ms. Lentz states: "The brass (upper level) is separated from the rest of us. I think that is based upon rank structure. There are cliques of people who get along better but nothing that impacts work product. Some people get more leeway than others."

Ms. Lentz further states: "Someone can make 175 mistakes, and nothing happens. However, if someone has a lower rank and makes a small mistake the response is disproportionate. This drives morale down. This is not just our division specifically; it happens department wide."

Ms. Guerton states: "Not that I can think of. There are some officers that are close but there aren't really cliques. I have heard that Chief is friends with certain people and those people get promoted quicker, but I can't say 100% that is happening I have only heard that**.**

Mr. Sumlin states: "No. Only the divisions that are divided by the type of work that they do."

Ms. White states: "I personally don't see any. I can relate well to everyone. Of course, there are always people you are closer with than others. I don't personally think there are too many cliques. It used to be like that a while ago but with the new people I think everyone gets along pretty well."

Mr. Johnson states: "Shift work creates a closer relationship with people you work with generally, but I don't think there are any cliques or anything like that."

Mr. Bloyer states: "I don't think there are any major divisions within the department."

Mr. Hanks states: "No, not from what I have seen."

Managers Responses:

Mr. Goodman states: "Yes. They appear to be based upon personality conflicts. I have seen this over time and I have experienced it as well. There have been personality clashes over the years. I tend to get along with everyone. Right now, I have heard that people have had disagreements, but I usually don't hear anything until a few days later."

Mr. Plessas states: "There are divisions between personalities. There are some aggressive personalities and some that are not. There is value in but can lead to frustration among the different types. I think strong leadership could help with that and alleviate some of that. A lot of this seems to come from a lack of understanding and different perspectives."

Mr. Wilk states: “There is a division between the Captains and the Chief and the rest of the department. They are making structural changes and they are shifting Lieutenants to more administrative work. As long as I have been here, there has always been a division between patrol and investigations. I am not sure if these are major divisions but sometimes it creates a division and people can get irritated with one another.”

Mr. Wilk continues: “The biggest division is the brass and the rest of the department. I can say that I have been here long enough that I have worked with the Captains and Chief before they went into their current positions. Sometimes I think there is too much stress of department first. If you take care of your employees that will take care of the department.”

Mr. Wegner states: “Sometimes I hear rumors of things. I am not always involved in the conversations and maybe that is because of my position. I know within our division the detectives talk among themselves and sometimes they bring things to me. In the last 5 years this is probably the most cohesive group I have had. In the past I have always had 1 or 2 people that were difficult to get along with.”

Mr. Wegner continues: “I know it has been a tough year with COVID and that has impacted our cases and the kinds of cases we are seeing. I haven’t seen any type of division within the investigations unit. Most of them get along with the rest of the department otherwise. There is a group of them that will hang out with the other shifts to find out what is going on. This has been limited due to COVID this year. Some of the social aspect that we used to have is not there.”

Mr. Ruelle states: “There are some divisions among the shift work. I work nights and I understand what that entails. I wish they would schedule meetings or trainings later in the day and not when we should be sleeping. Also, the night shift often feels forgotten about. For example, if a local business brings in food or pizza for everyone by the time the night shift comes in, there isn’t much left. Officers notice that and night shift feels the sting. That is the main division I notice among staff.”

Mr. Schoenrock states: “There are a few people that pick favorites. Lt. Lackey picks favorites and she treats people differently based upon that. She is moving to administrative lieutenant and hopefully that changes soon. There were some divisions based upon Lt. Lackey and her treatment of others. Everyone knows who the favorites are and that causes division. We are not super cliquey as a department.”

Mr. Sundbakken states: “While we use the term divisions to separate the groups within the department it also seems like any division can be along those same lines. I was in investigations for 10 years and it seemed like investigations and patrol would not get along; kind of like siblings. I don’t think any of these

division interfered with our abilities or the work product of the department."

Ms. Lackey states: "I have not witnessed any divisions within the department aside for normal friendship and camaraderie that some officers experience while working together on a specific shift or assignment."

Chief Klug states: "I have not witnessed any divisions within the department aside for normal friendship and camaraderie that some officers experience while working together on a specific shift or assignment. That being said, since my promotion to captain in 2012, I have worked hard to build relationships and eliminate the "us vs. them" attitudes that were much stronger at that time. My current captains know that I will not tolerate unfair treatment because of where an employee works. We are one team with one purpose — to serve the Minot community."

Mr. Dyke states: "I have not witnessed any divisions within the department aside for normal friendship and camaraderie that some officers experience while working together on a specific shift or assignment."

Mr. Sundheim states: "I have not witnessed any divisions within the department aside from normal friendship and camaraderie that some officers experience while working together on a specific shift or assignment."

Comment: This investigator finds that, as to the issue of any division within the department, most employees claim any division is based on the actual separation of duties among the different units within the department, namely Administration, Patrol, and Investigations. This investigator does note that most employees referenced usual and customary divisions that exist based on the required responsibilities of each unit.

Essentially, any employee reported divisions seem to be based on the type of work performed by officers within each specific division. There were some references to separation based on shift work which would be considered customary in the law enforcement environment.

There does not appear to be any non-work-related separation among employees aside from rank and duties associated with each position.

Issue 7: **What one thing would be most important to improving your work environment?**

Employees Responses: Ms. Asham states: "Help. Additional detectives would help everyone. We all feel that we are barely keeping our heads up above and it feels like no one cares."

Ms. Asham continues: “There have been issues for a while and we have tried collectively to voice our concerns. We felt at the time that we were being heard but nothing was done about what we said. We had meetings with upper management as a group about what we needed but it feels like nothing was done to rectify the situation.”

Mr. Bowles states: “Trust. Your average officer is going to tell you that the trust diminishes the higher up you go; that this is run like a business and you truly are a cog. In a line of work where trust is paramount it is difficult. It creates unnecessary and added stress to an already stressful job.”

Mr. Bowles further states: “This means transparency in the operation of the department. We just went through a restructuring and the managers were told not to tell us for over two weeks. This does not build trust or transparency in the workplace.”

Ms. Bjork states: “Transparency. This applies to the entire division. They require us to be transparent on duty (with body cams and dash cams), but leadership isn’t transparent with us. I don’t trust that Chief won’t try to get his hands on the report and find out who said what.”

Ms. Guerton states: “More people to help us. Our workload is way too heavy. The expectations are higher of us and we are not compensated for that. If we had good leadership, our caseloads would not be as much as an issue. We don’t need to be babied but we need help and support. We have been told that a detective is a desired position. We don’t get any additional compensation for being on call and it is so stressful. We may be on the only one on a call or at a scene and it is overwhelming to take a huge case by ourselves. I understand it is part of the job but if we had more people it might be easier to manage. Supervision also needs to step it up.”

Ms. Talbott states: “Treat people equally and fairly. When complaints are brought forward, take them seriously.”

Mr. Lakoduk states: “I am not generally involved in the day to day down at the department. The environment I currently work in is decent. When it comes to the City, I can think that the attitude regarding promotion could use improvement. I have been questioned regarding Sergeant positions when they come open. I have chosen not to pursue that line and I have been asked why I didn’t test or apply. I have also heard that some people were upset that there were not enough people testing for Sergeant. That seems counterproductive to accost people if they are not ready or interested in the open positions. There have been some questionable promotions and ones that I have not necessarily agreed with as well.”

Mr. Lakoduk continues: “I have heard a lot over the years with management, both

within patrol and investigations. At times it is concerning to hear that. I currently hear more than I experience considering my removed position. Often officers will vent to me because they don't think supervision has done enough (or anything) to address their complaints."

Ms. White states: "Getting another detective. I know this has been communicated to the brass, but we haven't seen it yet. We don't know if it is going to happen and that is causing a lot of stress. I think a new Lieutenant would be beneficial as well and hopefully that helps a lot of the issues we have."

Mr. Johnson states: "I am in a pretty decent situation where I am, I don't know that I have a response to that."

Ms. Lentz states: "If we are going to keep the same workload, then more personnel. Changing the way investigations are done would help too, but either way we need something to keep our heads above water."

Mr. Bloyer states: "Right now, I am in a good place. When I was on the road my biggest complaint was that they did not listen to their hiring board and we had officers we shouldn't. I think a pretty universal complaint would be that they should listen to the officers they assign in certain places."

Mr. Hanks states: "More detectives for my specific environment. That would allow people to specialize in certain areas or types of cases."

Managers Responses:

Mr. Plessas states: "I think we are working on that and it is establishing better leadership; providing more opportunities to my subordinates to lead personnel better. We made some changes department wide to allow for some overall changes and to allow new perspectives. Hopefully this will change and make everyone more efficient at their jobs as well."

Mr. Plessas continues: "No one likes to have this kind of investigation done but this sounds like a constructive report. I look forward to implementing any changes if necessary, after this process is finished."

Mr. Goodman states: "Our office is kind of a poor set up. I am lucky enough to have my own office, but the bulk of our investigators are in an open setting. It is very distracting, and it can be difficult to work in. We also bring members of the public back for interviews and we have to be aware of what is going on when working certain cases."

Mr. Goodman continues: "We are not set up to respond to the needs of the community. We are very reactive and not proactive. We are trying to handle the workload that comes in and it is not possible. With the amount of people we have, we cannot keep up with the workload. We have more to deal with and with more technology. What used to take me 1 hour to finish can now take me 3

or 4 hours to complete. If the City wants us to be a resource to the community then we need more than we have. I have seen a lot of things fall on deaf ears over the years and that is frustrating. I have seen the City pay thousands or hundreds of thousands of dollars and nothing changes."

Mr. Sumlin states: "More detectives would help. We have a pretty high case load for the 8-9 of us. These cases are more complex with technology and social media. Everyone is stretched pretty thin, and we all have a lot of cases."

Mr. Wilk states: "We need more investigators. Not only would this lighten the caseload but would also allow each case the full attention it deserves. We also need to compensate people for being on call. It is very stressful to put your life on hold and wait for the phone to ring, we should be compensated for being on call. This leads to low morale as well. Cases are becoming more technical with the added use of technology and this takes more time and we also don't have a technician who does electronic searches or is an expert in these areas."

Mr. Wilk continues: "I think there is some perceived mistreatment among some of the investigators. Some people feel like their caseloads are higher, if you look at the numbers though the caseloads are equal. This can make people feel like the workload is unfair. In the past, 4 or 5 years ago, there were some investigators that did not have as many cases; that has changed and doesn't happen anymore."

Mr. Wilk further states: "A major concern I have is that 2 of our investigators that work ICAC cases (tips about cyber-crimes, online predators, etc.). To handle these kinds of cases takes a lot of time and is intense work. If they work the hours that these kinds of cases require, they ended working almost double. Some agencies have people dedicated to these kinds of cases, we don't. Our investigators who do this work also have a full caseload and also do crime scene. I can see where these employees might feel that they were treated differently. If the community found out, we didn't have a dedicated unit, I don't think they would be happy about it. There is a good chunk of investigators who feel they are burnt out. Things are cyclical. We have recognition for some of our employees, something that comes from the Chief. It doesn't get you a pay increase or a change in position or help you get promoted. It is just a piece of paper that said you did a good job. It seems like it happens in spurts, we will do a lot of them and then none at all but at the end of the day it doesn't change anything."

Mr. Wegner states: "Additional personnel. That is something we have been fighting for, for years. We finally got up to full staff (after going a full year understaff) and that puts a lot of stress on them. If we can have more detectives that would be better. The layout is also difficult as we have some people working in cubicles and it can get noisy. I would love if everyone could have their own office."

Mr. Schoenrock states: “Trust. Trusting the administration would improve the work environment. I don’t currently trust them and that makes it difficult. Some I spoke about and others are character or ethics based. It would be nice to see trust and honor back in the department. We are copying policies from large organizations (like New York or Los Angeles) and they don’t necessarily fit with us. We put policy before responsibility, and it doesn’t make any sense.”

Mr. Schoenrock continues: “The timing of this is difficult now that there is change being made starting 2021. The problem I foresee is that nothing will change as a result of this investigation because the Department is already planning changes and they will think they ‘fixed’ it.”

Mr. Schoenrock further adds: “I have heard that you can request a copy of your personnel file and remove anything that is over 5 years old (negative or positive). I am not sure if that is accurate but that is what I heard.”

Mr. Sundbakken states: “Any organization can be improved with better communication and I think that holds for us as well. We communicate pretty well but that can always be improved. Of course, increased funding would help as well.”

Mr. Ruelle states: “Respect. The Captains and the Chief don’t appear to respect the opinions of the Sergeants. Respect for the time and experience the sergeants have. It seems like the only sergeants that are consulted are the ones that will tell them what they want to hear. Two years ago, the prior Chief created another rank of officer and then they were given a raise for that. The next year the Chief, the Captains, and Lieutenants, all received the raise. Someone asked, what about the Sergeants? They said they would look into it and nothing was done. It feels like more and more is expected of the Sergeants but without regard to increase in pay.”

Ms. Lackey states: “I believe the new administration and the new Chief are in the process of correcting any negative perceptions within the department which are the subject of some complaints. I believe all issues raised are now acknowledged by management and steps are being taken to resolve these issues with the assistance of this investigation.”

Chief Klug states: “As stated, as Chief, I do wish to correct any negative perceptions within the department that are the subject of any complaints. I believe all issues raised are now acknowledged by management and steps are being taken to resolve these issues with the assistance of this investigation. In addition, I think it is important to properly handle complaints from employees about their fellow employees. That being said, it is also going to be prudent to the function and morale of the whole department to ensure that rumors are not the "facts" presented as basis for these complaints to ensure all employees can

work in an environment free from harassment by other employees."

Mr. Dyke states: "Again, I am new to my current assignment and have no relevant suggestions for improvement at this time."

Mr. Sundheim states: "As stated, I believe any issues raised are heard by management, and if anything is found to be substantiated, steps will be taken to resolve those issues with the assistance of this investigation."

Comment: This investigator finds many of responses to the question of what is most important to improving the work environment seem to be related to workload issues and a request for additional personnel. Mr. Sumlin stated: "More detectives would help. We have a pretty high case load for the 8-9 of us. These cases are more complex with technology and social media. Everyone is stretched pretty thin, and we all have a lot of cases."

Mr. Wilk reiterated: "We need more investigators. Not only would this lighten the caseload but would also allow each case the full attention it deserves. We also need to compensate people for being on call. It is very stressful to put your life on hold and wait for the phone to ring, we should be compensated for being on call." Ms. Guerton states: "More people to help us. Our workload is way too heavy. The expectations are higher of us and we are not compensated for that. If we had good leadership, our caseloads would not be as much as an issue.

Some of the responses focused on administrative issues rather than substantive issues. The overall consensus from most of the officers was work-load issues and having additional personnel to offer support. Again, the opinions of the higher-ranking officers as to potential improvements are distinct and separate compared to the lower-ranking officers.

Assessment Findings

1. This investigator finds that, within the Investigative Division, there is a perception that female employees are treated differently than male employees regarding caseload assignments, duties, and dress code.

2. This investigator finds that with a few exceptions, the vast majority of employees believe that their managers show respect to subordinate employees.

3. This investigator finds that with a few exceptions, the vast majority of employees note that if they had to report an issue with their manager to upper-level management, they would do so.

4. This investigator finds that most employees feel their manager is approachable.

5. This investigator finds that most employees did not want to talk about the management of their area aside from some minor critiques.

6. This investigator finds most employees claim any division is based on the actual separation of duties among the different units within the department.

7. This investigator finds most employees recommended improving the work environment by requesting additional personnel to assist with the workload.

Allegation Findings

Allegation: Sgt. Steve Schoenrock alleges that Senior Human Resources Generalist Brittany Rust and Lieutenant Darren Dyke were involved in inappropriate sexual relationship when she was the proctor for the examination required for promotion to the rank of Lieutenant. Specifically, Sgt. Schoenrock alleges that Ms. Rust may have improperly assisted Lt. Dyke by providing him the examination information.

Supporting Information: Sgt. Schoenrock states: "I supervise approximately 12 -15 employees I usually share that duty with another Sargent or Lieutenant. I report to Lieutenant Darren Dyke."

Sgt. Schoenrock continues: "I have been on night shifts for 5 years as a Sargent. I came from narcotics. I have worked hard to gain the trust and respect of the other officers. The higher the rank the higher standard should be in the department. It has been the opposite within the department. The newer officers were held accountable but the higher the rank doesn't seem to be held to the same or higher standard."

Sgt. Schoenrock continues: "The last few years of one of my night shift lieutenant's career I took over a lot of his tasks because he was going through some major physical problems and was sort of checked out. He had some medical issues and personal issues, and I covered his duties for him as much as possible. It was probably 2 1/2 years of me covering. When Scott finally left, I was made temporary lieutenant. Chief told me he was going to have me do the job while Scott was vacationing out. After Scott's end date was known then they started the process of replacing Scott."

Sgt. Schoenrock further states: "I tested and did well and made top 3. I had the highest peer reviews. I have a lot of experience and have been working this shift for years. It was between me, Sgt. Dyke, and Sgt. Chapman. They ended up choosing Sgt. Dyke. It was brought to my attention that he had an inappropriate sexual relationship with Brittany Valentine. Brittany is the one who proctors the exam and has the information. Sgt. Dyke does not know the job and we have had

to train him about it. Other officers come to me about search and seizure saying Sgt. Dyke doesn't know it. I am not sure how because the test was full of it. Sgt. Dyke was also reprimanded for having a relationship with a former SWAT team member's wife."

Sgt. Schoenrock concluded: "Based on his lack of knowledge and lack of ability in this job it seems like there was something going on with Sgt. Dyke's test for Lieutenant. I heard they talked to him about it – that isn't enough. There should be due diligence in looking into it and actually investigate."

Mr. Tyler Ruelle, Patrol Sergeant, states: "Steve had some concerns about the promotion that Darren got. There were rumors that Darren had a relationship with Brittani and she administered the test for Lieutenant and there were concerns that potentially Darren was cheating."

Refuting Information: Ms. Brittany Rust, Human Resources Senior General Specialist, states: "As part of my job duties I do recruiting, I assist with payroll, I handle DOT drug testing. I do a little bit of everything, including employee questions. I have worked for the City of Minot for approximately five years, I started in June of 2015. My supervisor Lisa Jundt."

Ms. Rust continues: "With recruiting, we have exams, I do administer and proctor exam for the police department. I mostly do entry level stuff. I recall proctoring the exam Darren Dyke took. There were other test takers who took the lieutenants exam the same day, inside the same room where Darren Dyke took his exam. The exam was on July 1, 2020 at 2:00 pm. The test takers that day were, Darren Dyke, Steve Schoenrock, Dave Chapman, Tyler Ruelle, Kevin Wilk, Greg Johnson, and Dan Wheeler. All individuals were taking the same exam to make lieutenant."

Ms. Rust further states: "What they do in this process, they use a variety of categories to put the scores together. They have a service time category, a training hours category, a test category, and an interview. Each category is given a score and the scores are weighed. So, ten points for service, fifteen points for training hours, 32.5 points for the test, and 32.5 points for the interview."

Ms. Rust continues: "The exam itself is fill in the bubbles. The city uses a company called IPMAHR. IPMAHR sends me the scoring rubric. But with the internal controls, I have another girl from HR help. I initially grade the exams and then I send them to another person in HR to double check my work, this is to make sure I didn't miss anything, and nothing got missed. I generally grade the exams right there inside the exam room on the spot."

Ms. Rust remarks: "I do have the answers in front of me ahead of time. I get the test answers before the exam, about a week before. I like to make sure I got the

right exam, and that I have enough tests for each test taker. I do not open the sealed test until that day. I usually open it when I get to the room. I grade the exams right there on the spot, it is more time efficient. I do have the answers in front of me. I get the test answers before the exam day."

Ms. Rust continues: "Regardless of when I get them, the test answers are sealed, and I don't open them until I get to the test room. I would have opened the exam that day on July 1, 2020. I went in a half an hour early at about 1:30 pm. I ordered the exams on June 26, 2020 per my order confirmation from UPS next day. The exams were shipped late, so I probably did not receive the exams until either June 28th or 29th, but I do not recall the exact date. I did order the exams from UPS next day air."

Ms. Rust comments: "I was the only proctor in the room during the exam. Generally, we would have two people proctoring the exam, but we were short staffed this year. I am in a room and I am down there with a handful of police officers and I take the tests down there. The tests never leave HR's possession. The tests remain locked in my office until I take them into the exam room. Everything stays sealed until the testing. The box will be open, but everything else remains sealed."

Ms. Rust states: "I did not help Darren Dyke study for the exam, he got the same information that everyone else did. The officers are all given a reading list. The officers are sent out a reading list by Jason Sundbakken. He usually sends the reading list as soon as we post the job. We want people to have enough time to study, so as soon as we post the job, we try to get the reading list out to the officers so they can begin to study. I did not help Darren Dyke cheat on the exam. I was surprised that Darren Dyke did as well as he did on the test because he did great on it and Darren has admitted he is a bad test taker."

Ms. Rust continues: "I did congratulate him, but I did not help him. First of all, I would never help anyone cheat. Secondly, the procedures that are in place are to make sure nothing gets opened beforehand, I do not want that responsibility. I don't recall exactly when I graded Darren Dykes exam. I might have graded his exam the next day. I was working on a software training and I might have graded the exam later that evening or the next day. I don't really remember. Sometimes, if everyone is done with the exams, I will go upstairs and grade them in my office, just because I don't need to be sitting down there by myself grading. I guess I don't really know where that claim came from. I do not have any inside as to how I would even do that."

Ms. Rust further states: "I have worked with Darren with recruiting, I know him, I have worked with him a little more than others, but I have no reason to help him over others, or anyone getting promoted over someone else. My only role is to be there, to watch them take the test, grade the test, and I compile the scores. Jason Sundbakken checks my work. I also send my scoring to the Captain and

the Chief to also check my work."

Ms. Rust comments: "Also, you can be the number one person in the ranking, and it does not always mean that person will get the promotion. With everything combined, I do not know where the allegation came from. I make sure that I am careful with the exam procedures. I don't open the exams, I only have them for a couple of days beforehand. The exams are in a box locked in my office, and the exams are sealed in plastic wrapping."

Ms. Rust states: "I have not had a relationship with Darren outside of work, we are friends on Facebook but that's about it. I want to reiterate, I worked with Darren more than anyone else who tested, but there was no outside relationship, and I had no reason to help him cheat. The internal controls that are in place between testing and the office prevent cheating from happening. Captain Sundbakken and Chief are sent everything by me. They check my work."

Ms. Lackey states: "I also understand that a co-worker has alleged testing irregularities in the most recent Lieutenant promotional examination. Regarding any claim that were some irregularities in the most recent Lieutenant promotional examination, I will state, while I have no specific knowledge of any irregularities in the testing procedure, that, in my experience, promotions within the department are not based solely on the testing results and involve other factors, including interviews, experience level and the candidate's continuing education in law enforcement. I believe this individual is making false accusations because he was passed over for the Lieutenant promotion and is resentful and vindictive as a result."

Chief John Klug states: "Regarding any claim that were some irregularities in the most recent Lieutenant promotional examination, I will state that I, as Chief, am ultimately responsible for fulfilling the position based on a selection from several candidates. While I have no specific knowledge of any irregularities in the testing procedure, I can state that promotions within the department are not based solely on the testing results and involve other factors, including interviews, experience level and the candidate's continuing education in law enforcement. There are many factors I must weigh in deciding on who I am going to promote, and this decision is not easy given the high quality of employees who rise to the top in the promotional process. If there is any proof through this investigation or otherwise that a member of my department cheated on a promotional exam or during any other part of the process, I would move to terminate them from my department and the City of Minot."

Lt. Dyke states: "I also understand that a co-worker has alleged that I was involved in testing irregularities in the most recent Lieutenant promotional examination. I further understand that this individual alleges that I was in a social or romantic relationship with HR Generalist, Brittany Rust, who oversees the testing procedures."

Lt. Dyke continues: “I completely deny that I am in or have ever been in any romantic relationship with Ms. Rust. I am married and am offended that I have been accused on these allegations. I did not cheat or receive any improper assistance on this most recent or any prior promotional examination. I believe this individual is making false accusations because he was passed over for the Lieutenant promotion and is resentful and vindictive as a result.”

Captain Sundheim states: “I also under that Employers Council is investigating a claim that were some irregularities in the most recent Lieutenant promotional examination.”

Captain Sundheim continues: “Regarding any claim that were some irregularities in the most recent Lieutenant promotional examination, I will state that, while I have no specific knowledge of irregularities in the testing procedure, in my experience promotions within the department are not based solely on the testing results and involve many other factors, including interviews, experience level and the candidate's continuing education in law enforcement.”

Comment: Based on the available information, this investigator finds it less likely than so that Brittany Rust and Lieutenant Darren Dyke were involved in inappropriate sexual relationship when she was the proctor for the Lieutenant promotional examination and less likely than so that Ms. Rust improperly assisted him by providing the examination information.

This investigator finds there is no supporting information that Ms. Rust and Lt. Dyke were involved in inappropriate sexual relationship when she was the proctor for the Lieutenant promotional examination or at any other time. Aside Sgt. Schoenrock’s speculation based on rumors, there is no foundation for that assertion.

The only further supporting information was the statement of Sgt. Ruelle. He confirmed that there were only “rumors” that Ms. Rust and Lt. Dyke were involved in inappropriate sexual relationship and rumors are not reliable to provide support for Sgt. Schoenrock’s claim. There is no concrete evidence or reliable information that Ms. Rust and Lt. Dyke were involved in any inappropriate relationship, sexual or otherwise.

Both Ms. Rust and Lt. Dyke adamantly deny that they were involved in inappropriate sexual relationship. This investigator has no outside or refuting information that their statements are less than credible. This investigator finds it less likely than so that Ms. Rust and Lt. Dyke were involved in inappropriate sexual relationship when she was the proctor for the Lieutenant promotional examination.

Regarding the claim that Ms. Rust had any test information to share with Lt. Dyke, she has documented and detailed her involvement in the administration/proctoring of the examination. Ms. Rust confirmed that the tests never leave possession of the Human Resources Department and remain locked until she takes them into the exam room. Ms. Rust further confirmed that all materials stay sealed in plastic wrapping until the testing. Ms. Rust is credible in her statement that there are also separate internal controls in place to prevent cheating.

It is reasonable for this investigator to conclude that scoring on the Lieutenant's promotional examination is not the sole criteria for consideration for promotion to Lieutenant. It is evident from the refuting information that other factors are considered during the selection process, including subsequent interviews, educational level, and law enforcement related experience.

Chief John Klug confirmed he was ultimately responsible for fulfilling the Lieutenant position based on a selection from several candidates. Chief Klug added that promotions within the department are not based solely on the testing results and involve other factors, including interviews, experience level and the candidate's continuing education in law enforcement. Captain Sundheim, one of the highest-ranking officers in the department, reiterated that promotions within the department are not based solely on the testing results and involve many other factors.

This investigator finds that Ms. Rust would have been aware of the promotional process, specifically having knowledge that test scores are the only part of the overall selection process. Ms. Rust states: "You can be the number one person in the ranking, and it does not always mean that person will get the promotion. With everything combined, I do not know where the allegation came from." Therefore, it is not plausible that Ms. Rust would risk termination and multitude of charges for both of them when Lt. Dyke's promotion to Lieutenant would not be guaranteed by his test results only.

This investigator must further consider the motivation and credibility of Sgt. Schoenrock in determining the validity of his claims. Based on his statement that he had worked night shifts for 5 years, worked hard to gain the trust and respect of the other officers, tested in the top three, and that he was a temporary lieutenant for 2 ½ years, it is plausible that Sgt. Schoenrock may be resentful that he was essentially passed over for Lieutenant's promotion by Lt. Dyke coupled with the fact that he now has to report to him as a superior. Sgt Schoenrock remarked that he had a lot of experience and have been working the temporary shift for years.

Sgt. Schoenrock's potential motivation for making these statements is supported by the statements of some higher-ranking officers who were aware of his identity as the complainant. Lt. Lackey has stated she understands a co-worker has

alleged testing irregularities in the most recent Lieutenant promotional examination. She further stated she believe this individual [Sgt. Schoenrock] was making false accusations because he was passed over for the Lieutenant promotion. Lt. Lackey asserted Sgt. Schoenrock is resentful and vindictive as a result.

This claim was corroborated by Lt. Dyke himself who is being accused of cheating and proclaimed that he did not cheat or receive any improper assistance on this or any prior promotional examination. Lt. Dyke further asserted this individual [Sgt. Schoenrock] is making false accusations because he was passed over for the Lieutenant promotion and, in agreement with Lt. Lackey's statement, was being resentful and vindictive. This investigator must consider Sgt. Schoenrock's motivation to make these claims as part of this investigator and as an important factor.

Based on the totality of the information, this investigator finds it less likely than so that Ms. Rust and Lt. Dyke were involved in inappropriate sexual relationship when she was the proctor for the Lieutenant promotional examination and less likely than so that Ms. Rust improperly assisted Lt. Dyke by providing the examination information.

Conclusion

There is a lack of supporting and sufficient information that Ms. Rust and Lt. Dyke were involved in inappropriate sexual relationship when Ms. Rust was the proctor for the Lieutenant promotional examination. There is also no supporting or objective information that Ms. Rust improperly assisted Lt. Dyke by providing the test information.

Summary of Allegation Findings

1. This investigator finds it less likely than so that Brittany Rust and Lieutenant Darren Dyke were involved in inappropriate sexual relationship when she was the proctor for the Lieutenant promotional examination and less likely than so that Ms. Rust improperly assisted him by providing the examination information.

Analysis

Decision-makers for the City of Minot are responsible for assessing the facts in this matter. This assessment and investigative report are intended to be the tool for making that analysis by identifying the relevant issues and addressing sources of information pertinent to those issues. This investigator's commentary is also shared, but it is important to understand that another person, such as a judge or a juror, might reach different conclusions based on the same or additional information.

END OF REPORT

Respectfully submitted,

EMPLOYERS COUNCIL, INC.

Robert Jahn

Robert Jahn, Esq.
Workplace Investigator

RKJ

1. Are any employees treated differently than other employees? If so, why?
2. Do you feel managers respect employees? If not, why not?
3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?
4. Do you feel your manager is approachable?
5. Is there anything else related to the management of your work area that you would like to talk about?
6. Are there any divisions within the department? If so, what do they seem based on?
7. What one thing would be most important to improving your work environment?

Employers Council
City of Minot

Interview of:
Robbie Sumlin

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 16, 2020

I am Robbie Sumlin. I am a Detective in the Investigations Division. I have been here for six years. My supervisor is Sgt. Dave Goodman.

1. Are any employees treated differently than other employees? If so, why?

No, I don't think so.

2. Do you feel managers respect employees? If not, why not?

Yes.

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

Yes.

4. Do you feel your manager is approachable?

Yes. I get along with him well and he is personable and easy to get along with.

5. Is there anything else related to the management of your work area that you would like to talk about?

No.

6. Are there any divisions within the department? If so, what do they seem based on?

No. Only the divisions that are divided by the type of work that they do.

7. What one thing would be most important to improving your work environment?

More detectives would help. We have a pretty high case load for the 8-9 of us. These cases are more complex with technology and social media. Everyone is stretched pretty thin and we all have a lot of cases.

December 16, 2020

/S/ Robbie Sumlin
Robbie Sumlin

Employers Council
City of Minot

Interview of:
Jenna Bjork

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 16, 2020

I am Jenna Bjork. I am the Liaison, I am currently assigned to the Investigations Division. I have been here for 4 ½ years. My supervisor is Detective Dave Goodman.

1. Are any employees treated differently than other employees? If so, why?

Within the investigations divisions, I haven't seen that. I have heard my co-workers in the division complain about it. I have heard that Lt. Shawn Wagner is sexist and treats the guys differently than the girls. I have not experienced that with him. Outside of the division, I think there is some good-ole boy's club vibes within the department. NOT EVERYONE IS TREATED EQUALLY IN THE DEPARTMENT.

2. Do you feel managers respect employees? If not, why not?

Within the division, yes. Shawn's issues are not based on respect ~~he just wants to be liked by everyone.~~ Dave is great to work for and I have no complaints about him. ~~Lt. Wagner can go out of his way to help when personal things have gone on.~~

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

To my Captain, yes. I would not bring anything to the Chief. ~~I wouldn't confront Lt. Wagner directly.~~ I WOULD FEEL LESS COMFORTABLE GOING TO LT. WEGNER. I FEEL COMFORTABLE GOING TO GOODMAN.

4. Do you feel your manager is approachable?

Absolutely, Dave Goodman is great. Lt. Wagner is approachable, ~~but I am not comfortable with him and~~ BUT I don't necessarily think that he will do anything about whatever is brought to him. He sometimes plays the game of "it's not my responsibility or job."

5. Is there anything else related to the management of your work area that you would like to talk about?

Lt. Wagner is not a good employee. He is smart and knows the job but he is good a manipulating people and acting like he doesn't know. He also seems to sabotage things that would require him to do more work even if it would benefit the department as a whole. He has a good group of investigators that work hard and he coasts by. He is just lazy and I don't think that leaving the division is going to change that.

6. Are there any divisions within the department? If so, what do they seem based on?

There is a division between the higher-ups and the lower ranking. ~~There are a few bad apples that create the division.~~ Within the division, Lt. Wagner is lazy ~~and doesn't care~~. He can overload one investigator with a large caseload and others have fewer and easier cases. That creates division and low morale. It makes everyone disengage and that is too bad because they are an incredible group of people.

7. What one thing would be most important to improving your work environment?

Transparency. This applies to the entire ~~division~~ DEPARTMENT. They require us to be transparent on duty (with body cams and dash cams) but leadership isn't transparent with us. I don't trust ~~that Chief won't try to get his hands on the report and find out who said what.~~ SOME OF THE ADMIN

December 16, 2020

Jenna Bjork 12/20/20
Jenna Bjork

Employers Council
City of Minot

Interview of:
Kevin Wilk

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 17, 2020

I am Kevin Wilk. I am a Sergeant assigned to the Investigations division with City of Minot Police Department. I have been here since November 14, 2005. I supervise 12 employees technically, 7 employees in the day to day operations. My supervisor is Shawn Wegner.

1. Are any employees treated differently than other employees? If so, why?

I don't think so. I think everyone is treated fairly. There are stretches were it is the same guys who are volunteering to help out when we need help. I am not sure that is treatment necessarily. Everyone pitches in to help out but some people pitch in more. Part of that issue is that our department isn't big enough to have a dedicated crime scene unit, the people in that unit are also assigned to other divisions as well. They can be burning the candle at both ends. They have tried to get more patrol officers involved in crime scene. This would help some of the investigators who work days from getting called out in the middle of the night and would help patrol officers get more experience. There hasn't been enough interest from patrol.

2. Do you feel managers respect employees? If not, why not?

Yes, I think they do. I feel respected from my supervisors. They will listen to me when I bring issues forward. I brought up that we need at least another 7 investigators. There are senior and

master patrol that are assigned to investigations when there are openings. They do so much more work and are not paid any more for this. There is no value for this extra work. There is no compensation for being on call either. There is only compensation if you are called out. I brought this to my Captain. He was respectful when I brought it to him. I disagreed with his answer that money does not motivate people. In the last five years we have lost 15 investigators to other agencies. I also brought that up. Everyone said they left because of the caseload, being on call, and not being valued. These experienced investigators left for more pay and feeling valued. I felt like I was brushed aside but they were respectful to me when listening.

→ WHEN COMPARED TO PATROL DUTIES VS INVESTIGATION

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

Yes.

4. Do you feel your manager is approachable?

Yes. I don't have any problems talking to anyone who is superior to me. I can report information but I feel like the major issues are not addressed.

5. Is there anything else related to the management of your work area that you would like to talk about?

I don't think so.

6. Are there any divisions within the department? If so, what do they seem based on?

There is a division between the Captains and the Chief and the rest of the department. They are making structural changes and they are shifting Lieutenants to more administrative work. As

long as I have been here, there has always been a division between patrol and investigations. I am not sure if these are major divisions but sometimes it creates a division and people can get irritated with one another. The biggest division is the brass and the rest of the department. I can say that I have been here long enough that I have worked with the Captains and Chief before they went into their current positions. Sometimes I think there is too much stress of department first. If you take care of your employees that will take care of the department.

7. What one thing would be most important to improving your work environment?

We need more investigators. Not only would this lighten the caseload but would also allow each case the full attention it deserves. We also need to compensate people for being on call. It is very stressful to put your life on hold and wait for the phone to ring, we should be compensated for being on call. This leads to low morale as well. Cases are becoming more technical with the added use of technology and this takes more time and we also don't have a technician who does electronic searches or is an expert in these areas.

I think there is some perceived mistreatment among some of the investigators. Some people feel like their caseloads are higher, if you look at the numbers though the caseloads are equal. This can make people feel like the workload is unfair. In the past, 4 or 5 years ago, there were some investigators that did not have as many cases; that has changed and doesn't happen anymore. A major concern I have is that 2 of our investigators that work ICAC cases (tips about cyber-crimes, online predators, etc.). To handle these kinds of cases takes a lot of time and is intense work. If they work the hours that these kinds of cases require they ended working almost

double. Some agencies have people dedicated to these kinds of cases, we don't. Our investigators who do this work also have a full caseload and also do crime scene. I can see where these employees might feel that they were treated differently. If the community found out, we didn't have a dedicated unit, I don't think they would be happy about it. There are a good chunk of investigators who feel they are burnt out. Things are cyclical. We have recognition for some of our employees, something that comes from the Chief. It doesn't get you a pay increase or a change in position or help you get promoted. It is just a piece of paper that said you did a good job. It seems like it happens in spurts, we will do a lot of them and then none at all but at the end of the day it doesn't change anything.

December 17, 2020

Kevin Wilk

Employers Council
City of Minot

Interview of:
Carmen Asham

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 17, 2020

I am Carmen Asham. I am a Master Officer with the City of Minot Police Department. I have been here since January 2011. My immediate supervisor is Sgt. Wilk. Lt. Wegner is my indirect supervisor.

1. Are any employees treated differently than other employees? If so, why?

Yes. I have heard female officer complaining that they are treated differently. I have not experienced that myself. There is a lot more micromanaging going on with the female employees than the male employees. This is mostly from Lt. Wegner.

2. Do you feel managers respect employees? If not, why not?

No. It seems like our concerns and complaints are not addressed. If feels like ~~you~~ we are not being taken seriously. For me specifically one of the issues is caseloads. Because of extra duties I have, I am assigned extra cases from the State. We were told if we had these other cases that our normal caseload would be lessened but that has never happened.

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

Yes.

4. Do you feel your manager is approachable?

Both Sgt. Wilk and Lt. Wegner are approachable but not helpful. They both are open to having someone ask questions or ask for help, they just don't offer the help that is needed. For example, advice on how to work a case. I think this stems from lack of knowledge and experience on their part. This results in me asking someone else who does have that knowledge and experience.

5. Is there anything else related to the management of your work area that you would like to talk about?

No. Communication is an issue. It seems to have deteriorated with our current working situation (remotely). There are supervisor + command staff meetings often but there doesn't seem to be much information being shared with us.

6. Are there any divisions within the department? If so, what do they seem based on?

Yes. I think the divisions are natural and this is true in any place of employment. There are definitely cliques of people that get along better; shifts or age groups that get along better.

7. What one thing would be most important to improving your work environment?

Help. Additional detectives would help everyone. We all feel that we are barely keeping our heads up above water and it feels like no one cares.

There have been issues for a while and we have tried collectively to voice our concerns. We felt at the time that we were being heard but nothing was done about what we said. We had meetings with upper management as a group about what we needed but it feels like nothing was done to rectify the situation.

December 17, 2020

Carmen Asham

Employers Council
City of Minot

Interview of:
Shawn Wegner

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 17, 2020

I am Shawn Wegner. I am a Lieutenant with the City of Minot Police Department. I have been here just over 20 years. I supervise 11 employees. My supervisor is Captain Dale Plessas.

1. Are any employees treated differently than other employees? If so, why?

Within my group, I don't believe we treat anyone differently. When it comes to case assignments I try to even that out as much as possible. Some people have certain specialties. I try and keep the case types and numbers as fair as possible. There might be speculation in the department as a whole that based upon prior friendships certain people were "taken care of" or given promotions. This based upon an appearance, not necessarily based on proven facts. This is not in the investigations division.

2. Do you feel managers respect employees? If not, why not?

Yes. In my division that is always in the forefront of our minds. We have a weekly supervisor meeting and we discuss that in those meetings. There is a lot of care and respect in those meetings. In investigations we have to have someone on call all the time. I am not required to be on call but with our shortages I have been taking call shifts. I did those so that I wouldn't have to change the schedule on someone through Christmas Eve when they weren't expecting it.

I am on my third boss in 5 years. The most current one took over 10 months ago. We have also been dealing with COVID and he is learning the job. I don't feel disrespected.

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

Yes.

4. Do you feel your manager is approachable?

I have a decent relationship with my Captain and the Chief and I have never had an issue approaching either one.

5. Is there anything else related to the management of your work area that you would like to talk about?

No. We are just trying to get the job done with not enough people, we are often spread too thin.

6. Are there any divisions within the department? If so, what do they seem based on?

Sometimes I hear rumors of things. I am not always involved in the conversations and maybe that is because of my position. I know within our division the detectives talk among themselves and sometimes they bring things to me. In the last 5 years this is probably the most cohesive group I have had. In the past I have always had 1 or 2 people that were difficult to get along with. I know it has been a tough year with COVID and that has impacted our cases and the kinds of cases we are seeing. I haven't seen any type of division within the investigations unit. Most of them get along with the rest of the department otherwise. There is a group of them that will

hang out with the other shifts to find out what is going on. This has been limited due to COVID this year. Some of the social aspect that we used to have is not there.

7. What one thing would be most important to improving your work environment? Additional personnel. That is something we have been fighting for, for years. We finally got up to full staff (after going a full year understaff) and that puts a lot of stress on them. If we can have more detectives that would be better. The layout is also difficult as we have some people working in cubicles and it can get noisy. I would love if everyone could have their own office.

December 17, 2020

Shawn Wegner

Employers Council
City of Minot

Interview of:
Dave Goodman

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 17, 2020

I am Dave Goodman. I am Detective Sergeant with City of Minot Police Department. I have been here for almost 31 years. I supervise 4 employees. My supervisor is Lt. Shawn Wegner.

1. Are any employees treated differently than other employees? If so, why?

Not that I have seen or been made aware of. I haven't had anyone come to me, in the last few years and express to me that they have been treated differently. I think the only time that has happened was about 5 years ago and that person has since left our agency.

2. Do you feel managers respect employees? If not, why not?

I feel that they do. My manager is respectful of me.

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

I have been with the agency longer than anyone else. I recognize that I have been respected by my co-workers and a lot of times my supervisors have come to me with questions or issues! If I ever felt like I needed to go up the chain of command I would feel comfortable doing so. In the past, there were times when I was not comfortable this was a result of not having as much experience.

4. Do you feel your manager is approachable?

Yes.

5. Is there anything else related to the management of your work area that you would like to talk about?

~~No.~~ I have worked for several different supervisors and I recognize that people are different and have different styles. Over the years I have had to adapt depending on the person that is just because people are different.

6. Are there any divisions within the department? If so, what do they seem based on?

Yes. They appear to be based upon personality conflicts. I have seen this over time and I have experienced it as well. There have been personality clashes over the years. I tend to get along with everyone. Right now, I have heard that people have had disagreements but I usually don't hear anything until a few days later.

7. What one thing would be most important to improving your work environment?

Our office is kind of a poor set up. I am lucky enough to have my own office but the bulk of our investigators are in an open setting. It is very distracting and it can be difficult to work in. We also bring members of the public back for interviews and we have to be aware of what is going on when working certain cases.

We are not set up to respond to the needs of the community. We are very reactive and not proactive. We are trying to handle the workload that comes in and it is not possible. With the amount of people we have, we cannot keep up with the workload. We have more to deal with and with more technology. it takes us longer to complete our tasks. What used to take me 1 hour to finish can now take me 3 or 4 hours to complete. If the City wants us to be a resource to the community then we need more People than we have. I have seen a lot of things fall on deaf ears over the years and that is frustrating. I have seen the City pay thousands or hundreds of thousands of dollars and nothing changes. Studying change and ways to improve

December 17, 2020

Dave Goodman

Employers Council
City of Minot

Interview of:
Dale Plessas

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 18, 2020

I am Dale Plessas. I am Captain Commander of Investigations for City of Minot Police Department. I have been here for over 19 years. I supervise approximately 18-19 employees. My supervisor is the Chief of Police, John Klug.

1. Are any employees treated differently than other employees? If so, why?

There is a big difference between being treated differently and unfairly. For example, if an employee has a strength or a short coming they may be treated differently due to that but the treatment is never unfair.

2. Do you feel managers respect employees? If not, why not?

Yes. I feel respected by my manager as well.

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

If I had to do that, I would do so.

4. Do you feel your manager is approachable?

Yes, I think he is approachable.

5. Is there anything else related to the management of your work area that you would like to talk about?

In general, I am fairly new to the investigations team. I started in February. I got briefings from the former Captain and my subordinates so I knew the challenges in this positions. The stress on my division is huge. We have ~~higher~~ High caseloads and more serious cases then ~~we~~ I have ever seen. The outgoing commander also mentioned that there were leadership challenges in the division that I would have to deal with. The leaders were unable to lead and manage their employees. This did not appear intentional but as a result of issues. Previously, employees were bypassing the lieutenant and going straight to the Captain. In an attempt to fix that, we moved the Captain physically further away from the Lieutenant to empower him to manage employees. I also heard from employees that they felt there were being treated unfairly partly due to workloads. We had a lot of leadership challenges and we have been trying to work through them. Some detectives only have part of the information and only see outward facing info and can get frustrated. Unfortunately we can't always share what goes on behind the scenes (for example if an employee is on a performance improvement plan) and that leads to frustration.

6. Are there any divisions within the department? If so, what do they seem based on?

There are divisions between personalities. There are some aggressive personalities and some that are not. There is value in both but can lead to frustration among the different types. I think strong leadership could help with that and alleviate some of that. A lot of this seems to come from a lack of understanding and different perspectives.

7. What one thing would be most important to improving your work environment?

I think we are working on that and it is establishing better leadership; providing more opportunities to my subordinates to lead personnel better. We made some changes department wide to allow for some overall changes and to allow new perspectives. Hopefully this will change and make everyone more efficient at their jobs as well.

No one likes to have this kind of investigation done but this sounds like a constructive ~~report~~ process. I look forward to implementing any changes if necessary after this process is finished.

December 18, 2020

Dale Plessas

Employers Council
City of Minot

Interview of:
Stephanie Lentz

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 18, 2020

I am Stephanie Lentz. I am a Master Officer/Detective with City of Minot Police Department. I have been here for seven years. My supervisor is Sgt. Kevin Wilk.

1. Are any employees treated differently than other employees? If so, why?

Generally no. There are some specifics that involve differential treatment. In our section, we have quite a few specialties like crime scene response unit. These individuals are called out more often than the rest of us. They are leaned on more than the crime scene response people in patrol. We are extremely taxed in investigations and it seems a bit much.

2. Do you feel managers respect employees? If not, why not?

I don't think they show disrespect directly but I think there is a line drawn. If you can see that your employees are overwhelmed or overburdened then a supervisor could or should pitch in and help. I don't see that and it seems like they don't really care how overburdened we are, but just care that the work is done.

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

I know that it has been done in the past and nothing happened, it feel like it fell on deaf ears. I would feel comfortable doing it but I am not sure anything would be done about it.

4. Do you feel your manager is approachable?

Yes. Sgt. Wilk is approachable. Lt. Wegner is approachable but things fall on deaf ears. If I want to go to training he'll answer me very quickly. If I have another issue, it seems like he always has to check with someone else and then I never hear back from him. Whenever there is a bunch of us that can't handle the caseload and we go to Lt. Wegner, nothing changes.

5. Is there anything else related to the management of your work area that you would like to talk about?

Lately it has been difficult to see how things are going due to COVID and many of us working from home. I personally don't understand what there is to supervise if they are not responding out to calls. Only looking at paperwork is not full supervision. A couple years ago, I had an annual review. One of the shortcomings on my review was that I was friends with another female officer and she was bringing me down. This had nothing to do with my work product and did not involve anything I could do to fix. This did not seem constructive.

6. Are there any divisions within the department? If so, what do they seem based on?

The brass (upper level) is separated from the rest of us. I think that is based upon rank structure. There are cliques of people who get along better but nothing that impacts work product. Some people get more leeway than others. Someone can make 175 mistakes and nothing happens. However, if someone has a lower rank and makes a small mistake the response is

disproportionate. This drives morale down. This is not just our division specifically, it happens department wide.

7. What one thing would be most important to improving your work environment?

If we are going to keep the same workload, then more personnel. Changing the way investigations are done would help too, but either way we need something to keep our heads above water.

December 18, 2020

Stephanie Lentz

Stephanie Lentz

Employers Council
City of Minot

Interview of:
Aaron Bowles

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 21, 2020

I am Aaron Bowles. I am a Detective with the City of Minot Police Department. I have been here for three years. My supervisor is Lt. Wegner. But I report to a variety of officers within the department.

1. Are any employees treated differently than other employees? If so, why?

Yes. It seems relatively arbitrary. I notice something I might be able to "get away with," may not be the same for everyone else. There seems to be a concern by my peers that there is gender bias against females. I have not experienced but I believe my co-workers. Something I have heard is that females have been talked to about their professional dress where there is really no standard. I believe our policy says business casual attire. I know several females have been talked to about their clothing. I have never seen anyone dressed inappropriately. I never seen them wear anything too low cut or too tight; they are always dressed appropriately.

2. Do you feel managers respect employees? If not, why not?

There is a manager who is getting ready to retire and he is the consummate professional. He respects everyone. The others, not so much. They are quick to dismiss, from what I have seen.

They can also sidestep issues which can be seen as disrespectful. I, personally, have had a good experience.

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

At this point no. Within the last couple of weeks I had a major complaint and it was swept under the rug. The higher you go up the chain the more we feel like a cog in the wheel. That doesn't feel good.

4. Do you feel your manager is approachable?

My immediate supervisors, yes. It diminishes the further you go up the chain. Any manager will listen to what you have to say as long as it is not contrary to an order they have given. I don't know what happens after you approach them.

5. Is there anything else related to the management of your work area that you would like to talk about?

No.

6. Are there any divisions within the department? If so, what do they seem based on?

I think every department has people who are favorites, who seemingly can get away with anything. I feel like within investigation the people who might get away with more, work harder for it so less is said about it. I feel like I fall somewhere in there. Working from home has crushed my ability to be effective. We were recently told that we will stay at home unless we

have a reason for coming into the office. I am less effective and productive from home. But no one says anything to me.

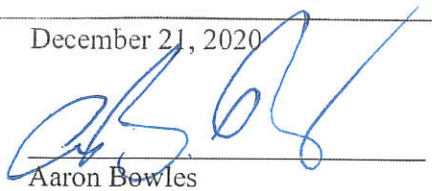
7. What one thing would be most important to improving your work environment?

Trust. Your average officer is going to tell you that the trust diminishes the higher up you go; that this is run like a business and you truly are a cog. In a line of work where trust is paramount it is difficult. It creates unnecessary and added stress to an already stressful job. This means transparency in the operation of the department. We just went through a restructuring and the managers were told not to tell us for over two weeks. This does not build trust or transparency in the workplace.

We were having our Wednesday meeting (maybe three months ago). Everyone was present. We were discussing our cases. A sexual assault case was being discussed. Sgt. Wilk is generally seen as lazy and does not have any investigations experience. ~~He went so far as to say that a victim who was claiming to be raped was "asking for it."~~ Several females gave me the side eye and texted me and asked me to say something. They felt more comfortable having me say something and having it come from a male. I spoke up and said that we shouldn't say something like that – we shouldn't comment on the motivation of a sexual assault victim. It seemed like Sgt. Wilk said something so open like this because he wanted an excuse not to do anything about it. This impacted his ability to manage and his credibility. I went to the other Sargent and asked if he heard Wilk's comment. He said he didn't, so I repeated it. I left it with the other Sargent to discuss it – that isn't my role and I would be out of my lane to do it now.

HE WAS UNCONVINCED BY OF THE VERACITY OF THE FEMALE'S CLAIMS OF HAVING BEEN RAPED BECAUSE SHE DIDN'T SEEM APPROPRIATELY UPSET.

December 21, 2020



Aaron Bowles

Employers Council
City of Minot

Interview of:
Kristin Guerton

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 22, 2020

I am Kristin Guerton. I am a Detective with City of Minot Police Department. I have been here for four and one-half years. My supervisor is Kevin Wilk.

1. Are any employees treated differently than other employees? If so, why?

Yes. Lt. Wegner treats people differently. I know that it has been addressed several times, more so females. I have never been treated differently or experienced any sexual harassment. I feel like he knows that if he tried to treat me like that I would say something or try to shut it down. There are other women who are treated differently. Miki, ~~she is newer and she~~ is treated differently. She is a bit of a people pleaser and Lt. Wegner takes advantage of that. She is often called out when she is not the next person up. There was a time when I was the next person on call and instead he called Miki. I asked Lt. Wegner why he did not call me. ~~He said that Miki is his go to because she won't say no~~. He takes advantage of her willingness to come in. Lt. Wegner has make comments some of the women's clothing. Men can wear tennis shoes but if women do, he will make a comment. Miki one time wore black and white checkered pants and Lt. Wegner made a comment about them. There was a detective who dressed like a total slob (male) and Lt. Wegner never addressed it or said anything to him.

He stated he knew Mikki was available.

2. Do you feel managers respect employees? If not, why not?

Sometimes. If you do a good job on a case, they might mention it. There is a lack of respect with investigators and management. Sgt. Wilk and Lt. Wegner are absent and don't really understand the job; sometimes that creates a lack of respect toward them. Being on call is so stressful and partly because you don't have your supervisor to fall back on. You can't call them, they probably won't answer. You can call Dave Goodman and he will help but not the other two. We are a young department so we need more support from managers and we don't always get it.

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

No because it falls on deaf ears. I would feel comfortable talking to someone about it but I know that nothing is going to change. We have had multiple sit down meetings ~~with more people~~ with all investigators included and nothing changes, nothing happens when we complain.

Many suggestions have been made by investigators to help operations work better but nothing changes.

4. Do you feel your manager is approachable?

In a way. I feel like I can talk to them. Sgt. Wilk is almost too approachable, he talks and talks but it doesn't go anywhere. He doesn't understand the job and how stressful it is. Our work environment is also not ideal because we work in cubicles and it is so distracting and hard to get anything done because it is so loud and everything is going on. Sgt. Wilk doesn't understand the job. He is the type of person that says he doesn't understand why we (some of us) come in early. Lt. Wegner is approachable but I won't go to him with a complaint or guidance on a case. I don't think he knows what to do in the job. He'll talk and talk, but at the end of the conversation

you are nowhere. Dave Goodman isn't my supervisor but I'll go to him because he knows and is experienced. We are losing him soon and I hate to see what will happen to the department.

5. Is there anything else related to the management of your work area that you would like to talk about?

Only that everything falls on deaf ears. The people that they choose for management positions doesn't make sense. When Sgt. Wilk was chosen for his role there were 4 options and they asked us who we would like. The options were not great. There is a female officer, Shannon Lackey that is very hard to deal with and she breaks people down – somehow she is a lieutenant now which is shocking. It is weird that changes are happening; two main people who are problems are getting moved. The person who would be a great Lieutenant in investigations can't be because the Chief is his brother-in-law. They should make an exception or something – we need good people. I am not sure the new lieutenant is going to be the best fix, we will have to see. When Dave Goodman retires I do not know who we will go to for help. The State's Attorney's office is a large part of our battle and they are difficult to work with on top of everything else. I do DV cases and they are terrible in how they treat victims, I find myself having to compensate for their lack of care or experience. Cases are getting dismissed like crazy because of their errors. They are not prepared when they go to court as well. I have had to tell victims to call the State's Attorney herself to address their concerns. I wrote a letter to one of our Captains about what was going on in their office.

6. Are there any divisions within the department? If so, what do they seem based on?

Not that I can think of. There are some officers that are close but there aren't really cliques. I have heard that Chief is friends with certain people and those people get promoted quicker but I can't say 100% that is happening I have only heard that.

7. What one thing would be most important to improving your work environment?

More people to help us. Our workload is way too heavy. The expectations are higher of us and we are not compensated for that. If we had good leadership our caseloads would not be as much as an issue. We don't need to be babied but we need help and support. We have been told that a detective is a desired position. We don't get any additional compensation for being on call and it is so stressful. We may be on the only one on a call or at a scene and it is overwhelming to take a huge case by ourselves. I understand it is part of the job but if we had more people it might be easier to manage. Supervision also needs to step it up.

December 22, 2020

kguerton

Kristin Guerton

. An additional problem I have seen repeatedly is officers/employees not being held accountable. The less work a person does, or the harder they are to deal with, their actions are pushed under a rug. There are certain people who can get away with ANYTHING! One being a female Lt. It is unfortunate when there are good supervisors who could be in supervisor rolls.

Employers Council
City of Minot

Interview of:
Sarah White

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 22, 2020

I am Sarah White. I am the Investigations Administrative Clerk for the City of Minot Police Department. I have been here for five years. My supervisor is Lt. Shawn Wegner.

1. Are any employees treated differently than other employees? If so, why?

It does seem like the male employees in the back are treated better than the female employees. They are definitely nicer towards the male employees and it appears that there is more respect toward the males. Sgt. Goodman is nice and respectful to everyone – regardless of gender so is Captain Plessas. Sgt. Wilk and Lt. Wegner are more misogynistic. This behavior is not directed toward me. Every now and then, Sgt. Wilk and Lt. Wegner can be condescending toward me, I don't take it personally and it seems to happen when they are in a bad mood. I have heard from other females this happens more often and not based on any other reason other than them being female.

2. Do you feel managers respect employees? If not, why not?

Captain Plessas and Sgt. Goodman definitely do. Lt. Wegner says that he does but he is not very good at showing that; same with Sgt. Wilk. He can act respectful towards some people but I don't think he does so with everyone.

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

I think I would. Captain Plessas is very good at listening and you can tell he definitely cares. You never know if anything is going to be done about it. This is common with the higher ups within the department.

4. Do you feel your manager is approachable?

Depending on the day. If he is in an extremely bad mood, he is not pleasant to talk to. If he is in a good mood, he is super approachable and easy to talk to. It depends on his mood for the day.

5. Is there anything else related to the management of your work area that you would like to talk about?

There have been concerns brought up by the employees in our department. We have brought forward complains or ideas for changes and it doesn't seem like anything is ever done. That frustrates a lot of the detectives. Also, communication from the brass to the rest of the division seems really bad lately. Sgt. Will makes statements in regards to sexual assault/rape cases that are concerning to me + detectives in the office, such as "well she was drunk", etc. Seems to find an "excuse" why it happened. Personally don't think he should be assigned those cases.

6. Are there any divisions within the department? If so, what do they seem based on?

I personally don't see any. I can relate well to everyone. Of course, there are always people you are closer with than others. I don't personally think there are too many cliques. It used to be like that a while ago but with the new people I think everyone gets along pretty well.

7. What one thing would be most important to improving your work environment?

Getting another detective. I know this has been communicated to the brass but we haven't seen it yet. We don't know if it is going to happen and that is causing a lot stress. I think having a new Lieutenant would be beneficial as well and hopefully that helps a lot of the issues we have.

December 22, 2020

12/23/2020

Sarah White

Employers Council
City of Minot

Interview of:
Elijah Hanks

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 21, 2020

I am Elijah Hanks. I am a Detective for City of Minot Police Department. I have been here just under four years. My supervisor is Sgt. Goodman or Sgt. Wilk.

1. Are any employees treated differently than other employees? If so, why?

I don't believe so in investigations or the department as a whole from what I have seen.

2. Do you feel managers respect employees? If not, why not?

Yes.

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

Yes, I would.

4. Do you feel your manager is approachable?

I do.

5. Is there anything else related to the management of your work area that you would like to talk about?

No, everything is fine for me.

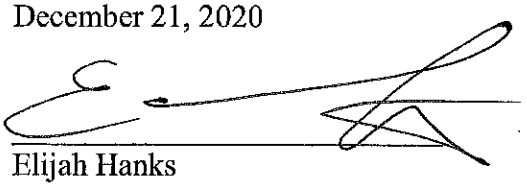
6. Are there any divisions within the department? If so, what do they seem based on?

No, not from what I have seen.

7. What one thing would be most important to improving your work environment?

More detectives for my specific environment. That would allow people to specialize in certain areas or types of cases.

December 21, 2020



Elijah Hanks

Employers Council
City of Minot

Interview of:
Shane Johnson

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 22, 2020

I am Charles Shane Johnson. I am a Task Force Officer with the City of Minot Police Department. I have been here since September 27, 2010. My supervisor is Special Agent Rob Brown. I am assigned to Investigations. I deal most frequently with Lt. Shawn Wegner or Captain Dale Plessas.

1. Are any employees treated differently than other employees? If so, why?

I would say so. It appears this is based on friendships or a good ol' boy system. It can also be impacted by how long someone has been there or work history. I have not seen anything that appears gender based.

2. Do you feel managers respect employees? If not, why not?

Generally yes. There are some managers who do not. Paul Burns does not respect employees in how he treats people or speaks to employees. I know there have been issues with Matt Mcloud as well. He is known for having an abrasive personality and is disrespectful. I don't work in the building presently and have not for the past 5 years.

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

Yes.

4. Do you feel your manager is approachable?

Lt. Wegner and Captain Plessas are very approachable.

5. Is there anything else related to the management of your work area that you would like to talk about?

No.

6. Are there any divisions within the department? If so, what do they seem based on?

Shift work creates a closer relationship with people you work with generally but I don't think there are any cliques or anything like that.

7. What one thing would be most important to improving your work environment?

I am in a pretty decent situation where I am, I don't know that I have a response to that.

December 22, 2020

Shane Johnson

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_____Employers Council
City of Minot

Interview of: Conducted by:
Steve Schoenrock
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 23, 2020

I am Steve Schoenrock. I am a Patrol Sergeant with City of Minot Police Department. I have been here for 15 years and 4 months. I supervise approximately 12 -15 employees I usually share that duty with another Sergeant or Lieutenant. I report to Lieutenant Darren Dyke.

One of my strengths at work is that I am approachable and people bring me their problems to me. Between all 3 shifts and all other divisions it is almost daily. I understand nothing is perfect but over the years it has become overwhelming. Most of the people in investigations worked for me at some point in patrol. There is an overwhelming sense of dread for people in investigations. I had addressed some issues in the past with a Captain and I was assured that things would change. Sometimes people tell me one thing and then when they report their concerns to administration they fear reprisal or they feel like they are not heard and are afraid to tell the whole truth. There are 3 women in investigations who worked for me and I never had any issues with them when they were with me in patrol. They have come to me with numerous pproblems. We should never be treating anyone differently. All the detectives brought their problems to administration and had a couple meetings about it. I was told by these same detectives that nothing changed after that and it seems to have gotten worse in some cases. I felt like there was nowhere else to go so I eventually went to Kelly. These are good officers and I want to see them succeed.

A few of the women in investigations are getting piled on when it comes to case assignments. They are getting overwhelmed and they cannot give the cases the full attention partly because they won't say no to the assignments. This is happening to Miki Talbot. She is a people pleaser and a fantastic teammate. She has been handed several of the bigger cases. She is a good detective and hard worker. She is also given extra on call weeks because she doesn't say no. Kristin is another one that won't say no and cares about her job greatly. She has had to deal with a difficult case and a difficult member of the community. She needed support but she wasn't getting it from her superiors or from the State's Attorney's office.

I went to a captain to try and help Kristin because she needed support. The males are getting different case assignments. Some of the men have a bunch of burglaries and shoplifting and the women had the more serious cases. The women are also being talked to about dress code. The females were talked to about dress codes but the males were not even though we have a shaving policy and they were not adhering to. We lost a female officer to the FBI and she had a similar experience. Lt. Wegner is one of the problems as well but he is being moved in 2021. I am not sure if that is going to solve the problems.

The supervisors need to be there for the team and for the group. Especially since we have had so many more homicides this year than most years. Sgt. Wilk would prefer not to get his hands dirty and does not help when he should be helping the team.

Some of the women were being reprimanded for coming in early to try and catch up on their cases and then they were reprimanded for coming in early. They should be praised for their work ethic not punished. We cannot afford to lose these officers. They are good quality officers.

When I went to Kelly I wanted to bring forward the concerns of these female employees as well as some of the men who are frustrated with the lack of the supervision in investigations. There is no reason that these women should not be treated with respect and treated fairly. But I fear when questioned about things the officers hold back from administration. This is because of fear and not being heard in the past. When officers bring things to me they always seem to say that it doesnt matter, nothing is ever going to change.

I have been on night shift for 5 years as a Sergeant. I worked 5 years on nights as an officer then worked narcotics for 5 years before being promoted to Sergeant. I have worked hard to gain the trust and respect of the other officers. The higher the rank the higher standard should be in the department. It has been the opposite within the department. The newer officers are held to be accountable but the higher the rank, it doesn't seem to be that they are held to the same or higher standard. Things are swept under the rug when it comes to issues with rank. The examples are to numerous to mention.

The last few years of one of my night shift lieutenant's career I took over a lot of his tasks because he was going through some major physical problems and was sort of checked out. He had some medical issues and personal issues and I covered his duties for him as much as possible. It was probably 2 ½ years of me covering. When Scott finally left I was made temporary lieutenant. Chief told me he was going to have me do the job while Scott was vacationing out. After Scott's end date was known then they started the process of replacing Scott. I tested and did well and made top 3. I have a lot of experience and have been working this shift for years. It was between me, Sgt. Dyke, and Sgt. Chapman. They ended up choosing Sgt. Dyke. It was brought to my attention that he had an inappropriate sexual relationship with Brittany Balentine from HR. Several officers had told me of this and one Lt., whomlater recanted when I asked him to please bring

it up to admin. Brittany is the one who runs the testing for Lt. and proctors the exam and has the information. Sgt. Dyke does not know the patrol end of the job since he had been away from patrol for so many years.Myself and the other shift sergeants had to train the new Lt on the job. Other officers come to me about search and seizure saying Sgt. Dyke doesn't know it. I am not sure how because the Lt. exam was full of questions on search and seizure. Sgt. Dyke was also reprimanded for having a relationship with a former SWAT team member's wife, lied to the Chief of police about it and was demoted as sergeant years ago. Based on his lack of knowledge and lack of ability in this job it seems like there was something going on with Sgt. Dyke's test for Lieutenant. I heard they talked to him about his innappropriate relationship with the HR employee but both denied the allegation and that was the end of it.Based on previous history with Dyke I dont believe thats enough. There should be due diligence in looking into it and actually investigate. I had to get some specific trainings before I could even test for Lieutenant (supervisor training). Darren only got the training after he was promoted. It is not just me but there are questions about Darren's promotion from many other officers. It is hard to watch the promotional process sometimes. It doesn't always seem like they best person is promoted. This is damaging to morale for all of the department as well. They see that there isn't a reward for hard work and an ability to move up.

Are any employees treated differently than other employees? If so, why?
Yes. The females in investigations appear to be treated differently than the males. Additionally, Lt. Lackey treats the female officers differently than the male officers. She seems to have conflict with some of the ambitious women. I am not sure if she is threatened by them but I have heard from some of the female officers that she is very difficult to work with.

Do you feel managers respect employees? If not, why not?
Some of the managers do and some do not. The majority of supervisors are pretty respectful. There are a few old fashioned people who are not respectful of all backgrounds. Lt. Lackey plays favorites and Lt. Wegner is not always respectful as well.

If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?
I would feel comfortable doing it but I don't think my voice would be heard. I don't think anything would be done about it. That is part of why I went to Kelly. I have seen instances where things have not been addressed in the past.

Do you feel your manager is approachable?
I would not take anything to Darren. I don't think he has anything to offer as far as patrol. I respect the chain of command but I don't think he knows as much as he should in his position.

Is there anything else related to the management of your work area that you would like to talk about?
On night shift we are often the forgotten group. The night shift is a very

tight knit group. What I don't like is that over the years we used to have trainings during the cross over time with the afternoon shift. Also there is no consideration for court appearances because those are during the day and yet we are expected to go back to work the same night. Also there is no shift differential for working nights. Also there isn't going to be a Lieutenant in the overnight shift. It would be nice to see management care more about us (night shift) and take better care of us.

Are there any divisions within the department? If so, what do they seem based on?
There are a few people that pick favorites. Lt. Lackey picks favorites and she treats people differently based upon that. She is moving to administrative lieutenant and hopefully that changes soon. There were some divisions based upon Lt. Lackey and her treatment of others. Everyone knows who the favorites are and that causes division. We are not super cliquey as a department.

What one thing would be most important to improving your work environment?
Trust. Trusting the administration would improve the work environment. I don't currently trust them and that makes it difficult. Some I spoke about and others are character or ethics based. It would be nice to see trust and honor back in the department. We are copying policies from large organizations (like New York or Los Angeles) and they don't necessarily fit with us. We put policy before responsibility and it doesn't make any sense.

The timing of this is difficult now that there is change being made starting 2021. The problem I foresee is that nothing will change as a result of this investigation because the Department is already planning changes and they will think they "fixed" it.

I have heard that you can request a copy of your personnel file and remove anything that is over 5 years old (negative or positive). I am not sure if that is accurate but that is what I heard.

December 23, 2020

Steve Schoenrock

_____

Steve Schoenrock

Employers Council
City of Minot

Interview of:
Jay Bloyer

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 29, 2020

I am Jay Bloyer. I am a Master Police Officer with the City of Minot Police Department. I have been here since August 2012. My supervisor is Lt. Wegner; I am currently assigned to the narcotics task force so my day-to-day supervision is through BCI.

1. Are any employees treated differently than other employees? If so, why?

Yes in investigations there is some bias towards females and at least one of the road supervisors' treats people of color differently than anyone else. From what I have seen Lt. Wegner treats the women differently. He will talk to them about uniform standards and doesn't care about how the men dress. When he was our road supervisor he would single out women for productivity issues and he wouldn't do that with the male officers. In the comments, Lt. Wegner makes he will ask (or tell) someone to do something and then blame them for doing what he said. I have heard rumors from others about the same thing from Lt. Wegner. Shannon Lackey treats people of color differently. The most obvious way is that she makes comments that are off-color. Lt. Lackey treated Officer Hanks disrespectfully. She would have him start her car and throw keys at him (she did not do that with anyone else). He also would sing when he was walking around. If he would rap, she would tell him not to do that but if he was singing anything else, she did not say anything to him.

2. Do you feel managers respect employees? If not, why not?

For the most part yes. I would not say that there are others (other than Lt. Wegner and Lt. Lackey) who are disrespectful. There are some that are not good managers, but I would not say that they are necessarily disrespectful.

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

Yes, I would feel comfortable doing that. I am not sure if anything would be done about it but I would feel comfortable doing that.

4. Do you feel your manager is approachable?

If I had problems I would not go to the investigations people. I would go to one of the other Captains I have worked with before (Captain Sunheim, Sgt. Rolle and Sgt. Schoenrock).

5. Is there anything else related to the management of your work area that you would like to talk about?

I don't think so.

6. Are there any divisions within the department? If so, what do they seem based on?

I don't think there are any major divisions within the department.

7. What one thing would be most important to improving your work environment?

Right now, I am in a good place. When I was on the road my biggest complaint was that they did not listen to their hiring board and we had officers we shouldn't. I think a pretty universal complaint would be that they should listen to the officers they assign in certain places.

December 29, 2020

Jay Bloyer

Jay Bloyer

Employers Council
City of Minot

Interview of:
Tyler Ruelle

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 29, 2020

I am Tyler Ruelle. I am a Patrol Sargent with City of Minot Police Department. I have been here as a full time employee for a little over 11 years. My supervisor is Darren Dyke. There are five employees that I am responsible for conducting their annual reviews. Additionally, whoever happens to be working when I am working I share the daily supervision of, this varies from 5-8 employees.

I went with Steve to speak to Kelly (the City Attorney). A number of female employees had come to Steve over the years to complain. Additionally, people had been talking about Lt. Lackey potentially covering up for a dispatcher who was drinking and on a UTV. This happened around October 2020. I also heard about another incident at another officer's wedding. Apparently, Lt. Lackey confronted Jenna about a complaint she (Jenna) made against Lt. Lackey. This can cause unrest among the officers because it seems that Lt. Lackey can get away with everything. Additionally, a bar owner (or manager) said that Lt. Lackey was present at Octoberfest and there was an ax throwing competition. Apparently, Lt. Lackey had too much to drink and the bar wasn't going to let her participate and this was upsetting to her and the bar called the Sargent to deal with it.

Also, Steve had some concerns about the promotion that Darren got. There were rumors that Darren had a relationship with Brittani and she administered the test for Lieutenant and there were concerns that potentionally Darren was cheating.

There some detectives in investigations that seem like they can go through the day without doing much and others are overworked and overloaded. It doesn't seem as fair. They don't confide in me as much as Steve.

1. Are any employees treated differently than other employees? If so, why?

From what I see, yes. People are treated differently based upon their needs. For example, a new officer would need more supervision than an experienced officer. The standard regarding appearance is different between men and women. I have to come to work clean shaven and with a clean haircut but the women can have different colored hair or fingernails. I don't know what the distinction is, and why the men cannot have a well-trimmed beard. Punishment wise, it seem fair and based upon progressive discipline.

2. Do you feel managers respect employees? If not, why not?

Some of them do respect employees. Generally, amongst the Sergeants there is a lot of respect. My immediate Lieutenant and the other patrol lieutenants seem to respect employees. As for the Captains and the Chief, they say that they respect employees but their actions don't always show that. We just had this major change and it greatly affects the Sergeants but they didn't talk to use beforehand or ask our opinion. This feels disrespectful.

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

No, not within the department. It seems like everyone is really close. The lieutenants are either really close with or afraid of the Chief. It seems like they don't want to say anything to the Chief that he doesn't want to hear. I wouldn't want to have anything come back negatively on me.

4. Do you feel your manager is approachable?

Yes, I think he is. I don't have any issues talking to him.

5. Is there anything else related to the management of your work area that you would like to talk about?

I don't think so.

6. Are there any divisions within the department? If so, what do they seem based on?

There are some divisions among the shift work. I work nights and I understand what that entails. I wish they would schedule meetings or trainings later in the day and not when we should be sleeping. Also, the night shift often feels forgotten about. For example, if a local business brings in food or pizza for everyone by the time the night shift comes in, there isn't much left. Officers notice that and night shift feels the sting. That is the main division I notice among staff.

7. What one thing would be most important to improving your work environment?

Respect. The Captains and the Chief don't appear to respect the opinions of the Sergeants. Respect for the time and experience the sergeants have. It seems like the only sergeants that are consulted are the ones that will tell them what they want to hear. Two years ago the prior Chief created another rank of officer and then they were given a raise for that. The next year the Chief, the Captains, and Lieutenants, all received the raise. Someone asked, what about the Sergeants? They said they would look into it and nothing was done. It feels like more and more is expected of the Sergeants but without regard to increase in pay.

December 29, 2020

Tyler Ruelle
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Tyler Ruelle

Employers Council
City of Minot

Interview of:
Mikali Talbott

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 30, 2020

I am Mikali Talbott. I am a Master Police Officer assigned to investigations. I have been here almost six years. My supervisor is Sgt. Dave Goodman and above him is Lt. Shawn Wegner.

1. Are any employees treated differently than other employees? If so, why?

Yes. Within investigations specifically, there are some supervisors that are somewhat sexist. For example, if I did something in an investigation that a male officer did the exact same way; I would be talked to but the male officer would not. Shawn Wegner is the one who does that. I have been told that I am not the first person he has done that to. Shawn acts like females should not be outside the home or in law enforcement. He has also made comments about his daughter and that she should remain in the home. He also makes comments that women should not be in male dominated industries or basically anywhere outside the home. The experiences that I have been through with Lt. Wegner have been brought up with other supervisors and I was told that it would taken care of. I specifically asked another supervisor if I should bring it up with Lt. Wegner in my annual review and I was told not to that it was taken care of. Here we sit a year later and I wouldn't say it is totally taken care of. Even with this year as a different year he still treats me differently. Just last week I was on vacation and he called my work cell phone. When I answered he told me I shouldn't do that on vacation – but he called me. I have heard in the past

that Lt. Wegner has told other females that their clothing was too tight and they needed to change. I have not experienced it myself. Lt. Wegner is all over the place with case assignments. He loads his better people (those who will do the work and get it done) with more cases. Lt. Wegner does not know how to not overwhelm or overburden people. He would call me all the time to respond to a call regardless of the type or time. When Lt. Wegner was told he was overwhelming me, he made it seem like it was my fault for answering my phone. It was also brought up in my annual review that I need to learn to say no and take care of myself and I need to let my supervision know when I am overwhelmed.

2. Do you feel managers respect employees? If not, why not?

Some do and some don't. The ones who don't make it apparent, like in how they communicate or approach you. They don't hesitate to make you feel like a number and you are replaceable. Lt. Wegner and Sgt. Wilk fall into that category. Sgt. Wilk is kind of inexperienced in investigations so I am not sure if that relates to his behavior. Others will go out of their way to make you feel important or needed. Sgt. Goodman is all about his people and is always making sure people have what they need. Captain Plessas is new to being my captain so I am not sure about him. Lt. Lackey can be very aggressive with females and has made racist comments to another black officer. I was not present for this, I heard about it later. She claims to be about women in the workplace but she is very aggressive. She should never have been promoted to Sergeant or Lieutenant but she is friends with Chief. She is always being complained about nothing happens to her. I used to work nights and Sgt. Shanerock is good and looks out for his people. Sgt. Burns and Sgt. Foley have a different style. I don't think they do it to be malicious they just have a different view point.

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

Yes, depending on who I had to go to. In the past I have talked to other supervisors about what is happening I am told that they will take care of it. It only gets better for a week or so. I am comfortable going to some of them, like Sgt. Goodman.

4. Do you feel your manager is approachable?

Sgt. Goodman is very approachable. I can go to him with anything. He is super easygoing and easy to talk to. I can go to Lt. Wegner with certain things but it isn't worth my time. He will usually blow it off or not acknowledge me. Sgt. Wilk is ok depending on what we are talking about. He can't keep things confidential so if I am going to talk about someone else or someone else's work, I wouldn't do that.

5. Is there anything else related to the management of your work area that you would like to talk about?

It is hard to approach the older generation within the police department. They are set in their ways and don't want to adapt or change with the newer generation of officers and the changing times. It can be difficult to deal with that. It would be beneficial if they would treat people like people instead of like numbers; replaceable at any time and overworked and under paid.

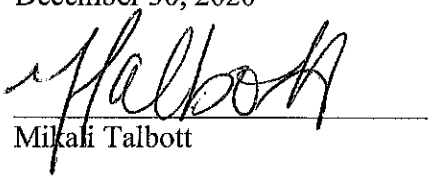
6. Are there any divisions within the department? If so, what do they seem based on?

Yes. A big division is younger generation vs older generation. Some of the older officers are more open to listening to the younger officers but others don't want to hear anything like that. In investigations we have one of the highest rates of female officers so that is nice to see the added diversity.

7. What one thing would be most important to improving your work environment?

Treat people equally and fairly. When complaints are brought forward, take them seriously.

December 30, 2020



Mikali Talbott

Employers Council
City of Minot

Interview of:
Jason Sundbakken

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

January 6, 2021

I am Jason Sundbakken. I am a Captain for City of Minot PD. I have been here since July 8, 1996. My supervisor is Chief Klug. I supervise approximately 30 employees.

1. Are any employees treated differently than other employees? If so, why?

I would say in general yes. The reason would be based upon experience. New employees are going to be treated differently (i.e., not as much responsibility) than a more experienced officer. In broader terms (like in terms of gender) I have not seen that.

2. Do you feel managers respect employees? If not, why not?

As a manger, I do. Overall, I think the supervision in the department is respectful of employees.

3. If you had to report an issue about your director or manager to upper-level management, would you feel comfortable doing so?

Yes. I would feel comfortable reporting any issue regarding the Chief to his supervisor (which is the City Manager).

4. Do you feel your manager is approachable?

Yes, absolutely. The Chief is approachable.

5. Is there anything else related to the management of your work area that you would like to talk about?

No, I don't think so.

6. Are there any divisions within the department? If so, what do they seem based on?

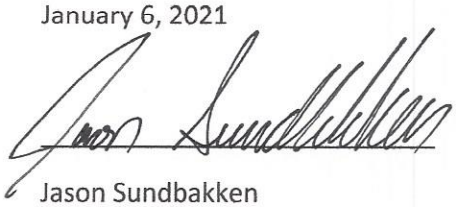
While we use the term divisions to separate the groups within the department it also can be used to describe disagreements within our department. I was in investigations for 10 years and it seemed like, at that time, investigations and patrol had a division in their ideas regarding workflow and responsibilities; kind of like siblings. I don't think any of these division interfered with our abilities or the

work product of the department. In actuality, I feel like they were more of a healthy disagreement which resulted in a more efficient work product.

7. What one thing would be most important to improving your work environment?

Any organization can be improved with better communication and I think that holds for us as well. We communicate pretty well but that can always be improved.

January 6, 2021



Jason Sundbakken

Employers Council
City of Minot

Interview of:
Ross Lakoduk

Conducted by:
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

January 8, 2021

I am Ross Lakoduk. I am a task force officer, my rank within the City is Master Police Officer. I have been here since October 2012. My supervisor is Special Agent Rob Browne (with the task force). Generally if there is any issues or complaints at the City I would usually go to Captain Dale Plessas.

1. Are any employees treated differently than other employees? If so, why?

Yes. We in the task force are treated differently. We work out of a different office and are assigned to work directly with special agents. Sometimes we get left out of the loop on certain things; like personnel or equipment issues, or budget issues, etc. For example, if the detectives are getting new equipment, we find out later and then when I try to acquire the same equipment I am unable to do so. Other times they don't understand how we do things in narcotics and they may want us to do something a certain way and we had to work through the differences with the task force. I have also been told that some detectives (especially females) are treated differently based upon their gender. I have heard this from some of the female detectives. Some of the examples given were time management or micromanaging. The examples given were related to Lt. Shawn Wegner. The behavior they described was not something I experienced when I was in

investigations. I also heard that Lt. Wegner made comments about their clothes or dress code and caseload issues as well.

2. Do you feel managers respect employees? If not, why not?

I think it depends on which manager you are talking about. Overall, there isn't a large issue with that but there are a few. Lt. Wegner does not appear to respect all employees, especially the females. Lt. Shannon Lackey is on patrol right now but several officers have had issues with her, including myself. Her management style needs improvement or is lacking as is. I have been questioned with how certain things were done. In this type of questioning it appears they don't know or understand how we do business. We have also had issues with getting patrol assistance regarding an arrest. I also heard that Lt. Lackey was screaming at people over the radio and accosted people over the radio. I also heard that some officers were yelled at or reprimanded for helping us (in the task force). There has not been a change in Shannon Lackey's lack of respect in my time at the department and yet she is still promoted.

3. If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?

It might depend on the situation. I have seen that sometimes complaints however valid are always taken as serious as I would have seen them. This may lead to me not feeling entirely comfortable going up the chain. I am not sure if I went higher that anything would actually be done about it.

4. Do you feel your manager is approachable?

Regarding day to day stuff or minor issues or updates, yes they are approachable. Lt. Wegner tries to have open communication, at least with me. Generally he tries his best (as well as Captain Plessas) to get me whatever training or equipment I need. I haven't had to take anything serious to Lt. Wegner so I can't necessarily speak to that. I did have to take an issue with a detective with Captain Plessas. This detective appeared to have an issue with how I directed the investigation and we eventually worked out a solution. Captain Plessas was helpful and approachable in that regard. He (and Wegner) didn't have a lot of investigation experience when he came into his role. He has been very open about that and is open to learning. If I had something serious I would take it to Captain Plessas first. Also, Lt. Wegner is moving to patrol and I don't know who is taking his place.

5. Is there anything else related to the management of your work area that you would like to talk about?

I don't think so as I am currently removed from the physical building at the City.

6. Are there any divisions within the department? If so, what do they seem based on?

There is animosity with some supervisors with the task force officers and how we conduct our business. I have personally had complaints or causing issue (borderline upset) type questions with how we do our work. They have either demanded we do it differently or sternly stated that we shouldn't be pulling in their patrol officers. I have also gotten issues when I have asked for assistance and the response was, I don't know if we have the people. There is almost an unsaid opinion that they don't want to help. I have also heard that some supervisors don't like the way

do things or don't approve of how we work our cases. I blow off the minor jabs at how we do things but it is still there. I think there is also a division between those in patrol and those in investigations. Everyone has their opinion about how things should be done, even if they are not the ones doing the work. I don't think it rises to the level of causing work not to get done.

7. What one thing would be most important to improving your work environment?

I am not generally involved in the day to day down at the department. The environment I currently work in is decent. When it comes to the City I can think that the attitude regarding promotion could use improvement. I have been questioned regarding Sergeant positions when they come open. I have chosen not to pursue that line and I have been asked why I didn't test or apply. I have also heard that some people were upset that there were not enough people testing for Sergeant. That seems counterproductive to accost people if they are not ready or interested in the open positions. There have been some questionable promotions and ones that I have not necessarily agreed with as well.

I have heard a lot over the years with management, both within patrol and investigations. At times it is concerning to hear that. I currently hear more than I experience considering my removed position. Often officers will vent to me because they don't think supervision has done enough (or anything) to address their complaints.

January 8, 2021

Ross Lakoduk

Ross Lakoduk

Office of Professional Standards

Exit Interview

Employee: Kayla Kudronowicz

1. Why are you leaving the agency?
   Spouse transfer, military

2. What do you think our agency can do better?
   More training beyond the annual in-service. More range time with instructors, and defensive tactics

3. Did you feel comfortable talking with your Sgt. / Lt.?
   Yes, no problem with that, mostly. Would not feel comfortable going to Lt. Lackey, so did not. (offish and un-approachable)

4. How would you describe the culture of our department?
   Needs some more diversity. More females than at most departments, and the hiring pool is a major factor.

5. Did you feel that you were part of a team and that your input mattered?
   Yes, didn't remember being asked for input but feels that if she had, her voice would be heard.

6. How would you describe the morale at this department?
   Fine for her. Kept to herself to avoid issues ** (wasn't comfortable answering)

7. Do you feel that you received adequate training prior to your solo assignment?
   Yes, in house and FTO was sufficient, but again more on-going training.

8. Would you recommend our agency to others?
   Yes

9. Any comments you would like to add?
   Felt like a family atmosphere. Liked the patrol schedules

Minot Investigation CH0890

Office of Professional Standards

Exit Interview

Employee: Samantha Christman

1. Why are you leaving the agency?
   The atmosphere in dispatch is toxic and the leadership is negligent.
   See attached list of concerns

2. What do you think our agency can do better?
   See attached list of concerns

3. Did you feel comfortable talking with your supervisor(s)?
   No, not at all. (backstabbing)

4. How would you describe the culture of our department?
   Seems a lot better on police side and relationships between police and dispatch are OK, but in the dispatch center its bad.

5. Did you feel that you were part of a team and that your input mattered?
   Depended on who she was working with. Was told early on that she asked too many questions. Each eval addressed it as well, yet when she asked Margret about it she said she had no idea because she didn't write the eval.

6. How would you describe the overall working relationships and environment at the police department?
   Good between officers and dispatch.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   No, was trained in before the training protocol was updated. Did not feel prepared to do the job solo.

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Feels there is a lack of transparency. Discipline issues result in rumors and mis-information.

Minot Investigation CH0900

9. Would you recommend our agency to others?
   Would recommend for police officers, not dispatch.

10. Any comments you would like to add?
    See attached concerns

Issues and Management concerns:

-Sean's quality control reviews are not private, anyone in the room can hear it.

-When county came to serve the warrant on Laci, Margret instructed them to not punch a card for it therefor no record. Also Lt. Lackey told all officers to leave the PD before the S.O. arrived

-When Lt. Lackey's recent incident happened, they were initially told not to put her name on the card (Wheeler)

-While Linda S. was in remedial and her calls were being reviewed, it was widely talked about being her 3rd time in remedial training.

-Ambulance call in Berthold (21-75), the dispatcher did not follow up on the ambulance page and nobody was sent for an hour (relative of Christman)

-The old training program was not sufficient to prepare new dispatchers. The new program was developed by younger dispatchers (worried whether they are qualified to do so)

-They received no training on reading abstracts, III's, and orders. Also, were not advised they would be doing so until the day before the change happened. Were told by Margret that she doesn't like it or agree either, but it is what it is.

-Feels Margret creates the bulk of problems in dispatch
- -Unsure if she has ever received management training
- -Allows, promotes, and takes part in in-fighting
- -Puts management decisions off on subordinates (has 2 do the same project, then makes them Decide who's is better
- -Plays favorites in front of others
- -Lectures and belittles dispatchers in front of the others in the room
- -Will speak negative about a dispatcher to someone while that dispatcher is within earshot
- -Downplays concerns brought to her ("is this needed, or just Sam being Sam?")

Exit Interview

Employee: Christopher Robinson

1. Why are you leaving the agency?
   Not happy with the town and options here (Minot). Girlfriend had trouble finding a job

2. What do you think our agency can do better?
   Push out more training options, in house and out. Felt it was hard to seek out trainings*

3. Did you feel comfortable talking with your supervisor(s)?
   Yes, no issues with any supervisor

4. How would you describe the culture of our department?
   Currently low morale, like the past year or so. Possibly Covid related as people feel it's a waste to do work with the jail issues and all. A frustrated feeling that it doesn't matter.

5. Did you feel that you were part of a team and that your input mattered?
   Part of a team, yes. Felt he was too new for his opinion to matter, so he did not offer it.

6. How would you describe the overall working relationships and environment at the police department?
   Good relationships. Was never part of any in-fighting or drama.
   New changes to officers being assigned cases in LERMS is confusing for many.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes, felt he had a good platform to build on.

8. Do you have any recommendations for how we can be a more effective/efficient department?
   No, other than the obvious needing more staff to cover the workload.

9. Would you recommend our agency to others?
   Yes

10. Any comments you would like to add?
    NA

Minot Investigation CH0903

Employee: Bryce Broome

1. Why are you leaving the agency?
   Accepted a job instructing at the YMCA, and plan to return to school.

2. What do you think our agency can do better?
   Communication – Sometimes when procedural changes are made the supervisors are inconsistent and want things done to how they see it should be.

3. Did you feel comfortable talking with your supervisor(s)?
   Yes – didn't have any issues

4. How would you describe the culture of our department?
   Good, but there are cliques. Those lead to gossip, drama, and people dragging personal lives into the mix.

5. Did you feel that you were part of a team and that your input mattered?
   Yes, however never offered an input

6. How would you describe the overall working relationships and environment at the police department?
   Pretty good, when people were on calls and working they didn't let the previously mentioned drama affect things.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Improve communication

9. Would you recommend our agency to others?
   Yes

10. Any comments you would like to add? Thanks

Minot Investigation CH0904

Exit Interview

Employee: Aaron Bowles

1. Why are you leaving the agency?
   Kids have been relocated to Georgia, found something closer to them

2. What do you think our agency can do better?
   -Work on recruitment / retention. The feeling that the admin doesn't care about the officers has filled the ranks. "Everyone is replaceable" being said by admin.
   -Establish set rules/guidelines for lateral transfers and develop recruiting from other agencies
   -On the city level, HR is lacking. Much time spent setting up training sessions on how to stretch, or being nice to others, but when and issue is brought to them, they won't address it

3. Did you feel comfortable talking with your supervisor(s)?
   Yes

4. How would you describe the culture of our department?
   Young. Segregated by age and job

5. Did you feel that you were part of a team and that your input mattered?
   Yes

6. How would you describe the overall working relationships and environment at the police department?
   Relationships are good. Divisions get along to get things accomplished

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes for new hitting patrol. No for investigations. Little to no FTO process, getting to a "basic investigator" relies too much on BCI doing the course (outside options should be explored)

Minot Investigation CH0905

8. Do you have any recommendations for how we can be a more effective/efficient department?
   See #2

9. Would you recommend our agency to others?
   Yes, good place to land, especially for those with prior experience or more "life experience"

10. Any comments you would like to add?
    No

Exit Interview

Employee: Officer Dooley

1. Why are you leaving the agency?
   Moving to South Dakota

2. What do you think our agency can do better?
   Communication during in house could have been better. Lt. Lackey gave no information on when or what shift they were going to, and did not fully equip them prior to FTO

3. Did you feel comfortable talking with your supervisor(s)?
   Absolutely, felt like an open door policy

4. How would you describe the culture of our department?
   The young officers on patrol complain pretty steady. "they don't really know what they are complaining about"

5. Did you feel that you were part of a team and that your input mattered?
   Yes, everyone on shift seemed to get along

6. How would you describe the overall working relationships and environment at the police department?
   Great

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   After in house, yes. Things weren't too smooth in house. Sgt. Strandemo was newly in charge and was gone for the first couple weeks

8. Do you have any recommendations for how we can be a more effective/efficient department?
   No

9. Would you recommend our agency to others?
   Absolutely, 100%

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10. Any comments you would like to add?
Starting pay is still below pretty much everyone else in the region.

Office of Professional Standards

Exit Interview

Employee: Memorie Andrade

1. Why are you leaving the agency?
   Go back to school / find another job, not really sure

2. What do you think our agency can do better?
   I don't know

3. Did you feel comfortable talking with your supervisor(s)?
   With some for certain things, not comfortable with others. Avoided some because didn't think they would do anything to help

4. How would you describe the culture of our department?
   Tense / a lot of complaining

5. Did you feel that you were part of a team and that your input mattered?
   No / No Can't explain why

6. How would you describe the overall working relationships and environment at the police department?
   Sometimes good

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes

8. Do you have any recommendations for how we can be a more effective/efficient department?
   NA

9. Would you recommend our agency to others?
   Yes and No, depending (would not elaborate)

10. Any comments you would like to add?
    No

Employee: Jesse Hartman

1. Why are you leaving the agency?

No longer willing or able to deal with the management of the dept. Feels the officers are doing a great job, but with sergeants and up, there is no accountability or desire to fix issues brought to them. There is too much negativity department wide, and no recognition for the good officers. Stated there is no trust in the sergeants except for Sgt. Noyes and Sgt. Foley. His evals would say that he was right where he should be, be did not get any guidance on how to attain his goals (SWAT, CSRU, Investigations). Feels that sergeants should not count towards manpower, but when he brought it up he was ignored. When he spoke to sergeants about officers he felt weren't doing things right, he was told to address it pier to pier. Feels that dispatch is going to get someone hurt (not paying attention) and the admin is well aware of the problem.

2. What do you think our agency can do better?

Hold officers accountable for what they do. Stop telling everyone to fix one issue or another instead of just telling those that make the mistake. Tell the officers that they are doing good.

3. Did you feel comfortable talking with your supervisor(s)?

Most comfortable with Sgt. Noyes and Sgt. Foley. Said that Sgt. Burns would only tell him about mistakes made and never talked about the positives. Feels that a lot of the sergeants don't know the job well enough. Said that all the talks he had with Lt. Haug went nowhere.

4. How would you describe the culture of our department?

Described it as patrol vs. the rest of the department. No matter how much patrol suffers, the other divisions just go along without a care.

5. Did you feel that you were part of a team and that your input mattered?

With the officers on his shift, he did. Everyone gets along and has each other's backs. He wanted to be tasked with more but was never asked, unless it involved working an overtime shift.

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6. How would you describe the overall working relationships and environment at the police department?

Addressed above.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?

Feels the training received was good. Feels that the FTO process has gotten to a point where it isn't good. Feels there needs to be more on-going training with topics like defensive tactics. Thought that the annual in-service trainings were good and well planned according to needs

8. Do you have any recommendations for how we can be a more effective/efficient department?

Thinks that spreading out the special duties and teams so more people can be involved would help. Acknowledgement of the good officers in front of other is needed

9. Would you recommend our agency to others?

Yes

10. Any comments you would like to add?

Nothing that was not addressed above

Employee: Thomas Lynn

1. Why are you leaving the agency?

-Wife got a job offer in New Hampshire. He is from there and has family. Feels that with the way things are at the PD there is no desire to stay, due to morale.

2. What do you think our agency can do better?

-Feels more officer recognition would help. There used to be more of at briefings and ceremonies, acknowledged that the covid issues can be part of that. Feels that it would go a long way of Lts and Capts came to briefings from time to time to talk, also the detectives.

3. Did you feel comfortable talking with your supervisor(s)?

-Yes, no issues

4. How would you describe the culture of our department?

-There is a lot of complaining (amongst patrol), he said there really isn't a repetitive theme, just like its un-happy people. He feels that it could also involve everything going on in the country the past few years playing into it.

5. Did you feel that you were part of a team and that your input mattered?

-He did feel like he was part of a team within the patrol group. He didn't have any problems personally as far as giving input but heard others that felt ignored. (Hugg proposing take home cars)

6. How would you describe the overall working relationships and environment at the police department?

-Strong within the divisions. With email being the main form of communication between divisions and command staff, gaps widen. Sometimes the emails from detectives or regarding emails make the officers feel like they are on the bottom rung.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?

-Yes, he does. Feels that there are a good number that ignore the training they get, and it can and does become a safety concern on the road.

8. Do you have any recommendations for how we can be a more effective/efficient department?

-No

9. Would you recommend our agency to others?

-Yes

10. Any comments you would like to add?

-NA

Exit Interview

Employee: Dominic Gunsch

1. Why are you leaving the agency?
   Found it to be a stressful job. Has been straining the relationship with his wife at home. Not really the job he thought it would be.

2. What do you think our agency can do better?
   There is a divide between patrol and admin (maybe more perceived than real) and it creates a lack of understanding.

3. Did you feel comfortable talking with your supervisor(s)?
   Yes, no problems. They were always very helpful.

4. How would you describe the culture of our department?
   There are cliques within patrol. Not a major issue but its apparent who is friends with who as they always try to take calls together. Sometimes it gets in the way.

5. Did you feel that you were part of a team and that your input mattered?
   Yes. Supervisors were receptive to his ideas.

6. How would you describe the overall working relationships and environment at the police department?
   Professional (not a fan of the shift cliques)

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes, also like the annual in-service training

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Nothing of note. Maybe more communication between patrol and admin to avoid assumptions.

9. Would you recommend our agency to others?
   Yes

10. Any comments you would like to add?

No

Employee: Eric Hathaway

1. Why are you leaving the agency?
   For family reasons. Needs to make higher wage and have flexibility to allow his wife to stay home

2. What do you think our agency can do better?
   No complaints, or suggestions

3. Did you feel comfortable talking with your supervisor(s)?
   Yes, never had a problem

4. How would you describe the culture of our department?
   Feels that it is good. Some discouraged people of shift, but not excessive

5. Did you feel that you were part of a team and that your input mattered?
   Definitely

6. How would you describe the overall working relationships and environment at the police department?
   Loved it, got along with everyone. Never had an issue with different divisions

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes, the training was appropriate

8. Do you have any recommendations for how we can be a more effective/efficient department?
   No

9. Would you recommend our agency to others?
   Yes, 100%

10. Any comments you would like to add?
    Would like to return someday when the situation at home is different.

Employee: Sarah White

1. Why are you leaving the agency?

   Got a job in the field she had studied for.

2. What do you think our agency can do better?

   Feels like there is frequently a lack of information. Things happen, and nobody is told why, or people leaving the agency, and nobody is aware of it. Perceived secrecy

3. Did you feel comfortable talking with your supervisor(s)?

   Yes, never really had an issue. Did have a couple supervisors that she felt kinda "talked down to her"

4. How would you describe the culture of our department?

   Feels divided by divisions. Detectives has gotten cliquey lately. People team up together and if one leaves, they both do. All the time

5. Did you feel that you were part of a team and that your input mattered?

   Yes, and didn't hesitate to give her opinion.

6. How would you describe the overall working relationships and environment at the police department?

   Pretty Good. There is a perception that some people are treated better than others. Has seen lately especially that the issues with the SA and courts are taking a mental toll on the detectives, and they don't know if anyone is fighting for them.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?

   Yes, also self-taught in some areas

Minot Investigation CI10917

8. Do you have any recommendations for how we can be a more effective/efficient department?

   No

9. Would you recommend our agency to others?

   Yes

10. Any comments you would like to add?

    The dress code, especially for clerks has gotten very lax and is not enforced. There is a lack of a professional appearance.

Exit Interview

Employee: Alex Nelson

1. Why are you leaving the agency?
   Took a job with Fargo PD

2. What do you think our agency can do better?
   Recruiting could improve. Feels the focus should be on younger applicants
   Social media platform needs improvement

3. Did you feel comfortable talking with your supervisor(s)?
   Yes

4. How would you describe the culture of our department?
   Good team environment. Morale has been low, but he feels it has been a little better lately. Manpower issues seem to be the driving force in that areas. Lt. Wegner had the troops on edge by nitpicking but seems to have let up a bit.

5. Did you feel that you were part of a team and that your input mattered?
   Yes, he was allowed to give his input.

6. How would you describe the overall working relationships and environment at the police department?
   Patrol & investigations could get along a little better. Doesn't feel the issues with the SA Office and courts is as widespread in patrol.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes. More training is always better. Feels that specialized training is more likely to get interest from the officers, whether traveling to or bringing it in. Its harder to get any interest in attending in-house refreshers. ("already did that")

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Nothing right now

Minot Investigation CI10919

9. Would you recommend our agency to others?
   Yes

10. Any comments you would like to add?
    No Comments

Employee: Allison Sanford

1. Why are you leaving the agency?
   Overstressed most of the time leading to anxiety issues. Feels there "needs to be more support". A lot of issues that were brought up were listened to, but not followed up on.

2. What do you think our agency can do better?
   Make sure the growth of officers is represented with support staff as well. Communicate future plans better to support and sworn.

3. Did you feel comfortable talking with your supervisor(s)?
   Most of the time. Sometimes felt like it wasn't taken seriously

4. How would you describe the culture of our department?
   Mostly like a family but can be fragmented at times. Leadership and command staff are "separate"

5. Did you feel that you were part of a team and that your input mattered?
   For the most part, felt comfortable presenting new ideas

6. How would you describe the overall working relationships and environment at the police department?
   Mostly good. Feels there are issues where some people are not held accountable. Referenced Cheryl creating issues and then Christine getting a write up for sticking up for herself.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes, was usually able to get needed training

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Need to have a dedicated project manager when rolling out new software systems so things don't get missed

Minot Investigation CH0921

9. Would you recommend our agency to others?
   Yes

10. Any comments you would like to add?
    Need better transparency and communication about things that are coming up or changes being made.

Exit Interview

Employee: Jenna Bjork

1. Why are you leaving the agency?
   Can make more money elsewhere without the frustration.
   Frustration has been building ->bad behavior and laziness is not addressed.
   Communication between admin and patrol is not good

2. What do you think our agency can do better?
   Supervion needs to receive leadership training. Too many issues get ignored. The patrol Lts don't take concerns brought to them seriously and blow them off. Sgts do not address the officers that duck calls, or kill time on calls while everyone else is running.

3. Did you feel comfortable talking with your supervisor(s)?
   Yes, no issues

4. How would you describe the culture of our department?
   Broken, there are a lot of people looking for jobs elsewhere, past couple of years things have declined and most people are unhappy.

5. Did you feel that you were part of a team and that your input mattered?
   Team, yes. Did not feel that input matters. Feels that the admin is going to do whatever they want without caring what the officers feel about it.

6. How would you describe the overall working relationships and environment at the police department?
   Mostly good, there are certain people on the shifts that are "cancers" to the group

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes, no issues

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Addressed above mostly. Feels lateral transfer officers tend to work out better as they already know this is the job for them.

9. Would you recommend our agency to others?
   Not now, 2 years ago she would have

10. Any comments you would like to add?
    Just feels the department has gone downhill the past couple years

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Exit Interview

Employee: Jay Bloyer

1. Why are you leaving the agency?
   Better pay and benefits, closer to home, culmination of lots of things over the past few years

2. What do you think our agency can do better?
   Better communication, let the officers know that they can bring things up. Keep everyone in the loop. Don't just rattle of a list of thing you put in your budget as most people don't know how the process works. Changing the way we do business and the effects it has on the officers lives, both at work and home cant just be thrust on them with short notice and without input from everyone.
   Consistency through the supervision. There are different "rules" based on who the sergeant is that day.
   Officers don't want to go to the patrol Lts because Haug wont do anything other than listen to them and forget about it. Wegner tells people to just deal with it. He still treats females un-fairly and has been nit-picking the officers.

3. Did you feel comfortable talking with your supervisor(s)?
   Yes, went to sergeants he trusted.

4. How would you describe the culture of our department?
   Inflexible and reactive. Officers feel that admin is un-available to them and doesn't want to hear any new ideas

5. Did you feel that you were part of a team and that your input mattered?
   Felt part of the team but not that his input mattered. When things get brought up to Sgt. or Lt, it just ends there

6. How would you describe the overall working relationships and environment at the police department?
   Within the shift people get along. No real relationships between different divisions.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?

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Yes

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Hold everyone accountable. They see the sergeants do whatever they want and get away with it. Wheeler makes derogatory comments about homosexuals openly in front of everyone. Foley does nothing but traffic and doesn't go to calls, and nobody says anything. Feels consistency is needed

9. Would you recommend our agency to others?
   If someone had to move to Minot and wanted to be a cop, otherwise no.

10. Any comments you would like to add?
    Probably wouldn't have looked for another agency if it seemed there was some effort to Change the culture over the past few years.

Employee: Mikali Talbott

1. Why are you leaving the agency?
   Personal reasons, the attitude and communication at the department has deteriorated.

2. What do you think our agency can do better?
   Communicate with the staff. There is no explanation as to why, just an email saying this will be. This gives a "because I said so" feel. When asking for input and feedback, don't dismiss it outright or blow it off.

3. Did you feel comfortable talking with your supervisor(s)?
   Depends on the supervisor, was OK with most. Couldn't respect Sgt. G. Johnson as he will ignore casework and walk around all day talking to people, and never gets talked to about it. Would avoid Lt. Wegner as she feels he is sexist and has consistently treated females unfairly. Doesn't feel that Lt. Dyke is competent enough to be in a leadership position, and felt he was un-professional a lot.

4. How would you describe the culture of our department?
   Too many negative attitudes. Staff are made to feel like a number and that they can be replaced.

5. Did you feel that you were part of a team and that your input mattered?
   Not in terms of the big picture, but within the smaller groups. The different divisions are too separated, with very little understanding of what the others do.

6. How would you describe the overall working relationships and environment at the police department?
   Admin seems un-approachable. Told they can always go ask questions, but the doors are always closed.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Until the past couple years, yes. When asked to take over doing cell phones, was not sent to any formal training. Was shown how to dump a phone once by Sgt. Strandemo and then he left. Was told to complete and online course in one of the areas, but then

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got talked to about working on that instead of casework. Felt no urgency to get her certified to be doing the expected work

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Be open with the officers, explain how things work they way they do. Be visible face to face and not just in emails. Give out "atta-boy" letters, or emails, or even quick phone calls when you hear of a good arrest, or clearing a big call, etc. Felt slighted that the chief never congratulated her after the arrest on the Knutson case.

9. Would you recommend our agency to others?
   Not now

10. Any comments you would like to add?

Employee: Tyler Daws

1. Why are you leaving the agency?
   Thought this was the career he wanted growing up, but now doesn't know what he wants to do
   There is a lot of miscommunication and misunderstanding as things filter from Capt. down through to Sgts. (example given was case follow-up. Told to fix or do something then after its done, they are asked why another thing wasn't done, that was never mentioned)

2. What do you think our agency can do better?
   FTO Program. Says there is a terrible FTO that "everyone knows about" but nothing is done. When he found out he would be going to Adleman, he was warned about him. Asked specifically what the issue was and he said that any question is met with a response of "find the answer yourself". While he had Adleman in phase three, talking to other officers he found that its response in every phase.

3. Did you feel comfortable talking with your supervisor(s)?
   Yes, with Sgt. Pappenfus and Sgt. Schoenrock. Just felt more at ease with them.

4. How would you describe the culture of our department?
   Within patrol there are cliques. When those that don't like each other are on the same side of town, it gets awkward.

5. Did you feel that you were part of a team and that your input mattered?
   Yes

6. How would you describe the overall working relationships and environment at the police department?
   Those that like working together do well, but some people just don't get along. Afternoon shift and dayshift have been butting heads. Days feels that afternoons briefs for extended periods and then they don't answer the radio, and dayshift has to keep taking calls instead of finishing up their paperwork.

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7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes

8. Do you have any recommendations for how we can be a more effective/efficient department?
   The training provided in the In-house training is pretty much all doubled up with what the academy teaches. Maybe some thought should be given to extending in-house to be our own academy and save the time and cost of sending officers off to learn what they were just taught.

9. Would you recommend our agency to others?
   Yes

10. Any comments you would like to add?
    NA

Exit Interview

Employee: Alec Bartlett

1. Why are you leaving the agency?
   Family Issues. Need to move closer to wife's family

2. What do you think our agency can do better?
   Feels the department as a whole is good. Thinks steps to streamline the paperwork would be beneficial. Currently the same information has to be repeated on several different forms for the same incident. Too redundant

3. Did you feel comfortable talking with your supervisor(s)?
   Yes, No problems

4. How would you describe the culture of our department?
   Friendly and welcoming. Everyone helps out

5. Did you feel that you were part of a team and that your input mattered?
   Yes

6. How would you describe the overall working relationships and environment at the police department?
   Everyone seems to get along. Even in cases where people may not see eye to eye, they get the job done without issues.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes

8. Do you have any recommendations for how we can be a more effective/efficient department?
   As mentioned above, work to get the paperwork streamlined

9. Would you recommend our agency to others?
   Yes

10. Any comments you would like to add?

NA

Exit Interview

Employee: Kenton Kossan

1. Why are you leaving the agency?
   Taking a new job to get a fresh start outside of Law Enforcement

2. What do you think our agency can do better?
   Along with other department heads, more aggressive pushes to improve pay and benefits. Communicate that to the staff so they are aware, regardless of the outcome.

3. Did you feel comfortable talking with your supervisor(s)?
   Always, never a problem

4. How would you describe the culture of our department?
   Generally good. The SA office has created a lot of frustration and hard feelings among the officers by dropping solid cases for little or no reason, failing to communicate with the officers and treating them like they don't know what they are doing.

5. Did you feel that you were part of a team and that your input mattered?
   Yes, frequently had valuable conversations

6. How would you describe the overall working relationships and environment at the police department?
   There are some cliques (different divisions, within shifts), but nothing detrimental.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes, even coming in with many years of experience, found the training to be solid.

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Communication has to improve. Making sure the officers have correct information can help alleviate people getting disgruntled. Thought that the video messages were good. Feels the new policy of moving shifts on a rotation will turn off a number of people. Even though the intent is understood, a number of people like to find their niche and excel there.

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9. Would you recommend our agency to others?
   Yes, but making sure they understand what they are getting into (as far as the field in general)

10. Any comments you would like to add?
    N/A

Exit Interview

Employee: Mary Lovro

1. Why are you leaving the agency?
   Took a job as an officer with Surrey PD

2. What do you think our agency can do better?
   Nothing as far as her job was concerned. Ran smooth

3. Did you feel comfortable talking with your supervisor(s)?
   Yes, All the time

4. How would you describe the culture of our department?
   Everyone seems to get along. Some people complain to complain

5. Did you feel that you were part of a team and that your input mattered?
   Yes, offered ideas and never had a problem

6. How would you describe the overall working relationships and environment at the police department?
   Same as #4

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes. COVID forced her training to be online, so in person would be better

8. Do you have any recommendations for how we can be a more effective/efficient department?
   No

9. Would you recommend our agency to others?
   Yes

10. Any comments you would like to add?
    No

Employee: Matthew Pappenfus

1. Why are you leaving the agency?
   Minnesota agency can pay the same as a deputy that he is making as a sergeant with 10 years of experience. Will also be able to retire the same year he would have here, but at 100%. This also moves him closer to family.

2. What do you think our agency can do better?
   Hard to say with manpower turning over so much

3. Did you feel comfortable talking with your supervisor(s)?
   Yes. Preferred going to Lt. Haug over Lt. Wegner

4. How would you describe the culture of our department?
   Fine…"not sure what to say"

5. Did you feel that you were part of a team and that your input mattered?
   Yes, never had a problem with that.

6. How would you describe the overall working relationships and environment at the police department?
   Feels that everyone is able to get along.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Move Lt. Wegner away from patrol. Feels that he is the source of most of the un-happiness amongst the officers. The process for getting trainings approved needs to improve. Officers put in and don't get any kind of response for long periods of time or not at all.

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9. Would you recommend our agency to others?
   Yes

10. Any comments you would like to add?
    No, wants it known that he is not leaving disgruntled. Was just making a financial choice that puts him closer to family.

Exit Interview

Employee: Matthew Cole

1. Why are you leaving the agency?
   Wife was very un-happy working at Trinity and started looking for larger level 1 hospitals and they agreed on the Omaha area.

2. What do you think our agency can do better?
   Hold people accountable for their actions. Has seen lots of issues and policy violations that have gone without being addressed. (did acknowledge that things may have been addressed without his knowledge)

3. Did you feel comfortable talking with your supervisor(s)?
   All except for Sgt. Foley. Did not agree with his style and way of doing things

4. How would you describe the culture of our department?
   "Not bad, but not good". Feels that there are a lot of little things that wear on people and add up. Feels the K9 program is un-fair and that policies were changed to allow for Officer Batteiger to get a dog over him. Also, that there is no accountability for the fact that the dog has not been leading to any drug seizures.
   Feels that the shift sergeants know and allow for the senior and master officers to ignore calls and do less work while the junior officers run call to call. Indicated that he brought it up with a sergeant and got a "political response" of things not changing overnight

5. Did you feel that you were part of a team and that your input mattered?
   Feels that there are "little teams" within the shifts where certain officers mesh well together, but overall not so much

6. How would you describe the overall working relationships and environment at the police department?
   Same as question #4

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   From the academy, no. Attended during COVID and the online training was in-effective. Also feels that some of the FTOs should not be FTOs, as some of them are the senior officers that shrug calls.

8. Do you have any recommendations for how we can be a more effective/efficient department?
   No

9. Would you recommend our agency to others?
   Yes. While pay was not a real factor for him, he thinks that better pay would attract better applicants to choose from.

10. Any comments you would like to add?
    No

Exit Interview

Employee: Jay Haaland

1. Why are you leaving the agency?
   Wants to move closer to medical facilities for his son. There are more opportunities for his wife to work in her preferred field. Pay could be better but was not a driving force.

2. What do you think our agency can do better?
   Maybe pay closer attention to officer's long term goals. Didn't like that the SRO spots were going to get moved.

3. Did you feel comfortable talking with your supervisor(s)?
   Yes, although Sgt. Burns could be rough to talk to.

4. How would you describe the culture of our department?
   Mostly good work ethic amongst the officers. The different divisions feel pretty separated.

5. Did you feel that you were part of a team and that your input mattered?
   Yes

6. How would you describe the overall working relationships and environment at the police department?
   People seem to get along for the most part.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes, FTO process could be sticky at times. When in phase 2, he had 4 different FTOs, so there was inconsistency.

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8. Do you have any recommendations for how we can be a more effective/efficient department?
   More trainings than the annual training. Maybe quarterly, or at briefings to do refreshers beyond the main yearly ones.

9. Would you recommend our agency to others?
   Yes, Better pay would help.

10. Any comments you would like to add?
    NA

Exit Interview

Employee: Thereisa Thompson

1. Why are you leaving the agency?
   Moving to Lincoln ND, with fiancé.

2. What do you think our agency can do better?
   Don't have any problems, wouldn't be leaving if her fiancés' job didn't pay more.

3. Did you feel comfortable talking with your supervisor(s)?
   Yes, never had a problem.

4. How would you describe the culture of our department?
   Friendly, cordial, everybody gets along quiet well.

5. Did you feel that you were part of a team and that your input mattered?
   Yes

6. How would you describe the overall working relationships and environment at the police department?
   Employees have a tendency to work well together.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Felt she was trained properly, just did not get the proper equipment to be effective.

8. Do you have any recommendations for how we can be a more effective/efficient department?
   The PCO vehicle needs to be updated to have a computer to effectively do impounds, receive information for parking tickets and impounds. Should have at least been issued cell phone, instead of calling dispatch for information constantly with her personal phone.

9. Would you recommend our agency to others?
   Yes

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10. Any comments you would like to add?

No

Exit Interview

Employee: Chloe Meicher

1. Why are you leaving the agency?
   Took a job with the DVCC.

2. What do you think our agency can do better?
   Likes agency as a whole. There was some difficulty with communication between the lead dispatchers and dispatchers. Some talking behind peoples backs and should take up issues directly with people.

3. Did you feel comfortable talking with your supervisor(s)?
   Yes, felt comfortable talking to Shawn.

4. How would you describe the culture of our department?
   Overall good.

5. Did you feel that you were part of a team and that your input mattered?
   Most of the time. Drama could interfere occasionally

6. How would you describe the overall working relationships and environment at the police department?
   Officers and dispatchers got along good. The lead dispatchers would clash occasionally.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Felt the training received was very good and all trainers she had were competent.

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Better Communication from supervision to subordinates.

9. Would you recommend our agency to others?
   Yes

10. Any comments you would like to add?
    NA

Minot Investigation CH0944

Exit Interview

Employee: Jenna Hurt

1. Why are you leaving the agency?
   Took a job with the CAC. Jenna added she could no longer work for Margaret and had a list of reasons why. See separate list.

2. What do you think our agency can do better?
   Jenna felt the issues with the PSAP have to be resolved. She felt there was a lack of training for the new center, some of the equipment does not work properly or is the wrong equipment for our dispatch center.

3. Did you feel comfortable talking with your supervisor(s)?
   Jenna stated she did not feel comfortable talking to her supervisor. She believed if you say anything to her, she will tell all of the dispatchers.

4. How would you describe the culture of our department?
   Morale is poor. The department was not proactive with mental health before Pat, there was then a knee jerk reaction and now its back to the way it was.

5. Did you feel that you were part of a team and that your input mattered?
   Not necessarily, Jenna stated she'd brough up concern and nothing ever gets done about them.

6. How would you describe the overall working relationships and environment at the police department?
   Overall, the working relationships were good, with the exception of working with Margaret.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   For the most part. A lot of trainings are conducted with police officers and are not exactly for dispatchers. The department needs more dispatcher exclusive trainings.

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Have follow through with things that are discussed at meetings, because nothing ever gets done.

9. Would you recommend our agency to others?
   Maybe as an officer, definitely not dispatch.

10. Any comments you would like to add?
    No

Additional Concerns with the PSAP Manager:

- Unprofessional
- Creates animosity
- Has a lack of confidentiality
- Leads by favoritism
- No backbone – is a "yes" person
- No standards, accountability, or consequences
- The PSAP manager and assistant PSAP manager issues of them not getting along are beginning to effect dispatch as a whole.

Employee: Roman Wilkerson

1. Why are you leaving the agency?
   Took a new job with ND BCI

2. What do you think our agency can do better?
   Haven't had a lot of gripes with the department. Communication from the top down could've been better but he felt it has improved since the adoption of the Evertel system

3. Did you feel comfortable talking with your supervisor(s)?
   Yes

4. How would you describe the culture of our department?
   He feels the culture at the department is ever changing because of the high turnover.

5. Did you feel that you were part of a team and that your input mattered?
   Yes. Especially felt his input mattered as part of the SWAT team and the task force.

6. How would you describe the overall working relationships and environment at the police department?
   Good as it could get.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes, seemed like he was always training.

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Feels the most important thing would be to continue centralizing intel. This has also improved with the advent off Evetel.

9. Would you recommend our agency to others?
   Yes

10. Any comments you would like to add?

Exit Interview

Employee: Molly Schoen

1. Why are you leaving the agency?
   The schedule is a big reason. She had always had to work nights and that doesn't work with her husband's schedule. Took a job at Ward Co. with day hours and a Monday-Friday schedule.

2. What do you think our agency can do better?
   Molly felt there was a severe management problem in dispatch. The problem is with both the PSAP and APSAP. New hires are scared of trainers. When she brought up issues, she was made to feel she was the problem.

3. Did you feel comfortable talking with your supervisor(s)?
   For a little while when she first started. Molly stated she never felt comfortable talking with Margaret. Molly stated that whatever was told to Margaret would not stay private.

4. How would you describe the culture of our department?
   There is a disconnect between management and employees.

5. Did you feel that you were part of a team and that your input mattered?
   Molly felt nothing she gave input on mattered. None of the ideas she had were ever followed through.

6. How would you describe the overall working relationships and environment at the police department?
   The police department is good. Different patrol shifts get along well. In dispatch, the dispatchers on the same shift get along, but the different shifts do not get along.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   She believed the training was good when she first started.

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Molly believed the newly hired dispatchers were not getting anything out of the classroom training but fear.

Minot Investigation CH0949

When they get out of classroom training nothing is set up, such as Lexipol, NCIC, last group hadn't been fingerprinted. Molly stated everyone's input should matter and not just some people. A lot of the training material is outdated.

9. Would you recommend our agency to others?
   She would, depending on the persons personality.

10. Any comments you would like to add?
    She stated she had recently been investigated for time card issues. Molly stated there had been other instances of people leaving early and these instances were brought up to Shawn and Beth and nothing was done about it.

Office of Professional Standards

Exit Interview

Employee: **Erin Bonney**

1. Why are you leaving the agency?
   Erin stated she was leaving the agency to be closer to her home, daughter and for more money.

2. What do you think our agency can do better?
   - Erin believed the sergeants could do a better job reviewing the work product of their officers. She felt the sergeants were not supervised properly and allowed mistakes and incomplete work to be done.
   -She also specifically stated Sgt. G. Johnson was a "terrible" supervisor. She stated nobody in investigations goes to him, everybody goes to S. Johnson.
   -Erin also mentioned some of the FTOs should not be FTOs and are not teaching new employees properly.
3. Did you feel comfortable talking with your supervisor(s)?
   Definitely

4. How would you describe the culture of our department?
   Erin described the culture as "improving". She stated moral was improving and much better than a couple of years ago. She also stated pay had improved.

5. Did you feel that you were part of a team and that your input mattered?
   Yes

6. How would you describe the overall working relationships and environment at the police department?
   Patrol and investigations get along well. There is a division between employees and administration.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Sure did, got enough.

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Erin thought she'd covered this in previous questions

9. Would you recommend our agency to others?
   Would not if they've ever been a cop somewhere else. With no prior experience she would.

10. Any comments you would like to add?
    It wasn't bad, wasn't looking to leave, just decided to move home.

Minot Investigation CI00052

Employee: Cameon Eisenzimmer

1. Why are you leaving the agency?
   Going back to doing what she was doing before working at the police department. It became too difficult taking direction from multiple people.

2. What do you think our agency can do better?
   Communication across the board, both positive and negative needs to improve.

3. Did you feel comfortable talking with your supervisor(s)?
   Not really. She felt it was difficult for non-sworn personnel to talk to sworn supervisor. She felt non-sworn see a bigger picture, such as sharing intel with other agencies.

4. How would you describe the culture of our department?
   Cameon felt she got along with patrol and they were approachable. She felt investigations was slightly toxic because some of the people had been there so long and it has become cliquey.

5. Did you feel that you were part of a team and that your input mattered?
   Yes

6. How would you describe the overall working relationships and environment at the police department?
   There seemed to be a divide between non-sworn and sworn personnel. It was less noticeable with patrol.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Definitely

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Communication both directions, up and down the chain needs to improve.

9. Would you recommend our agency to others?
   Yep

10. Any comments you would like to add?

Minot Investigation CH0054

Exit Interview

Employee: Juana Perius

1. Why are you leaving the agency?
   Took job with AGs Office. Margaret is 99% of the reason for leaving. Never felt welcome. Felt that Margaret hated her and tried to stay out of her way.
2. What do you think our agency can do better?
   Think we're doing a lot of things right. Love the wellness team and the new ADP system. Couldn't really think of anything else.

3. Did you feel comfortable talking with your supervisor(s)?
   Ya, No. She was one of the most unprofessional people she's ever met.

4. How would you describe the culture of our department?
   Honestly, pretty good.

5. Did you feel that you were part of a team and that your input mattered?
   With most people at the department. Just did not feel that way with her direct supervisor.

6. How would you describe the overall working relationships and environment at the police department?
   Good.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Felt that Margaret was threatened by her and would not include her in certain duties and assignments she could have been performing.

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Get rid of Margaret as the PSAP Manager.

9. Would you recommend our agency to others?
   Absolutely

Minot Investigation CH0955

10. Any comments you would like to add?

No

Minot Investigation CH0956

Employee: Paul Burns

1. Why are you leaving the agency?
   Retirement

2. What do you think our agency can do better?
   Don't have any suggestions, never really had any problems with how things are done.

3. Did you feel comfortable talking with your supervisor(s)?
   Absolutely

4. How would you describe the culture of our department?
   The department is fairly transparent to the public and to its employees compared to the past and for the most part everybody. gets along. Pretty cohesive department.

5. Did you feel that you were part of a team and that your input mattered?
   Yes.

6. How would you describe the overall working relationships and environment at the police department?
   Overall, it was good. Felt the department at a good open-door policy. If there was an issue there was never a problem speaking to a supervisor or a member of the command staff, whether personal or professional.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Overall training was good, but could have had more training when there were technological advances in technology, but admitted some of that was on him.

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Should be more interaction between command staff and patrol in general, with something as simple as going to briefings more regularly.

Minot Investigation CH0957

9. Would you recommend our agency to others?
   Oh ya

10. Any comments you would like to add?
    No

Minot Investigation CH0958

Employee: Cody Miller

1. Why are you leaving the agency?
   Relocating to Seattle to live with fiancé.

2. What do you think our agency can do better?
   Recruitment and retention is poor. Paperwork is far more complicated and in depth than previous department, begins to burn people out.

3. Did you feel comfortable talking with your supervisor(s)?
   Yes, worked with Noyes and Wheeler, no issues with them at all.

4. How would you describe the culture of our department?
   The way our shifts are set up do not allow employees to share days off, which doesn't create tight nit working relationships at work. Morale is also suffering because of burnout due to manpower shortages.

5. Did you feel that you were part of a team and that your input mattered?
   Didn't have any issues being part of a team. Felt input mattered on shift.

6. How would you describe the overall working relationships and environment at the police department?
   The officers do not seem to have a very tight nit relationships outside of work and there is a separation between administration and the patrol shifts. Would be nice to see them at nights maybe on the road occasionally.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes
8. Do you have any recommendations for how we can be a more effective/efficient department?
   Simplify the paperwork aspect of our department. They would be more effective actually patrolling and being proactive. Williston had PD offices in each fire station to keep officers from congregating at the PD.

9. Would you recommend our agency to others?
"If a buddy asked if they should work here, I would say no." It would be simpler to work at another agency due to the paperwork and bureaucracy.

10. Any comments you would like to add?
Communication from administration is not good and effects morale. The bead policy was a good example. It was never communicated what was going on with that other than, "if you don't hear from me." People complained about that for a week.

Department should have a "recruitment team" like Williston had, a regular group of officers who traveled to schools, career fairs, ect. The team traveled the entire tristate area. A relocation allowance or signing bonus would help recruitment.

Lateral transfer pay could be a little higher. Did not get promoted when he should have and was and received backpay.

Employee: Craig Boyungs

1. Why are you leaving the agency?
   More conducive to family life working as a police officer in Surrey, such as hours, live out there and the pay was going to be better by the end of the year.

2. What do you think our agency can do better?
   More communication in general. When someone is promoted to senior or master officer or gets an award very few people are aware of it. There should be more kudos given out to the department for good work people do.

3. Did you feel comfortable talking with your supervisor(s)?
   He did

4. How would you describe the culture of our department?
   Nothing really stuck out at him

5. Did you feel that you were part of a team and that your input mattered?
   On his shift he felt like he was part of a team. At first not so much, but that was because he was the new guy and needed to gain acceptance.

6. How would you describe the overall working relationships and environment at the police department?
   There are different cliques at the department and drama, but he kept to himself for the most part. His first phase of FTO with Becker left a bad taste in his mouth. He stated he'd never felt so humiliated or degraded at a job or anywhere in his life.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Did not feel there was enough training on Brazos, LERMS, Mobile, and the actual things officers need to know when they start FTO. Things like trips to a fire station are a waste of training time. Didn't feel he was allowed to observe and learn much during FTO in phase one and was just expected to immediately start "doing it". After phase one it was

better. He stated he actually received a 1 in the report writing category during phase one for misspelling Snapchat as two words.

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Amount of paperwork for simple arrests and complaints is ridiculous compared to what he is used to and an effort should be made to simplify that.

9. Would you recommend our agency to others?
   He would. He's talked to his son, who is in the Air Force in Minot about working at the PD in Minot.

10. Any comments you would like to add?
    He believes the beard policy should be changed to allow beards; people are still upset about that not actually changing. Believes it would increase morale and would cost nothing. As far as awards are concerned, patrol often feels slighted because members from other divisions always receive the officer of the quarter awards or maybe officer of the year. There doesn't seem to be a lot of interaction between patrol and detectives, which creates a divide. Patrol feels some of the investigators see themselves as up on pedestal.

Office of Professional Standards

Exit Interview

Employee: Master Officer/ Patrol – 8 years Shane Adelman

1. Why are you leaving the agency?
   Moving to Kentucky to be closer to family. That's really the only reason.

2. What do you think our agency can do better?
   Probably communication. Evertel was supposed to fix that problem, but don't think it did, just one more thing I had to check. Stuff sometimes happens and nobody knows about it.

3. Did you feel comfortable talking with your supervisor(s)?
   Ya, can't say I had issues talking to anybody here.

4. How would you describe the culture of our department?
   Seems to be an excessive amount of complaining at the department, but everybody, from the Chief on down would be willing to help you out if you had a problem, professionally or personally.

5. Did you feel that you were part of a team and that your input mattered?
   I would say yes.

6. How would you describe the overall working relationships and environment at the police department?
   Kind of answered this question when describing the culture of the department question.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   No, only because he feels law enforcement as a profession doesn't train enough. This department isn't falling behind other departments, but law enforcement as a profession doesn't put enough attention on training.

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Try and find a way to do more training. Never received any weapons training after starting other than weapons instructor school.

9. Would you recommend our agency to others?
   Yes

10. Any comments you would like to add?
    Maybe have master officers and other senior officers sit in on command staff meetings to give a perspective of what goes on behind the scenes and how decisions are made.

Office of Professional Standards

Exit Interview

Employee: Stephanie Lentz

1. Why are you leaving the agency?
   -Going back to school to switch career fields
   -Was told she was replaceable and decided that she was ready to leave at that point.
   -Patrol wasn't going to work for her, so when she was going to have to leave investigations she was done at the department.

2. What do you think our agency can do better?
   Accountability, supervision. Believes supervisors should know how to do their subordinates jobs. Believes the department breeds laziness and allows it to happen. People who put forth effort and do work are the ones in hot water, the lazy people tend to skate and nothing ever happens to them.

3. Did you feel comfortable talking with your supervisor(s)?
   Did not feel comfortable talking to her direct supervisor, felt more comfortable talking to the other supervisor in the division. She did feel comfortable talking to the lieutenant and the captain, but follow through was lacking.

4. How would you describe the culture of our department?
   Almost like high school, there are various cliques. If one division tries to fix a problem it becomes a personal attack to the other division, when in all reality it just trying to fix an issue, but no one can effectively communicate.

5. Did you feel that you were part of a team and that your input mattered?
   Yes and no. Felt input was requested, but if her input mattered, she was uncertain.

6. How would you describe the overall working relationships and environment at the police department?
   Majority of the time everyone works well together.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   When she got to go to training.

Minot Investigation CH0965

8. Do you have any recommendations for how we can be a more effective/efficient department?
   -Start with effective supervisors and provide them with proper training to lead people. Have only had two extremely good supervisors who have known what they were doing, given constructive criticism when wrong, and supported her when she was right, Sgt. Schoenrock and Sgt. S. Johnson.
   -Ensure your employees know they are being heard.
   -Follow through with things.
   -Poor work performance should not be rewarded; recognition and awards should be from doing the extraordinary not the bare minimum.

9. Would you recommend our agency to others?
   Yes, she would like to see it succeed and the department will need future leaders.

10. Any comments you would like to add?
    Your people want to be heard, respected and feel valued.

Office of Professional Standards

Exit Interview

Employee: 10/22/2024 Lacie Bjertness

1. Why are you leaving the agency?
   Moving away for personal reasons.

2. What do you think our agency can do better?
   Getting rid of people when they need to get rid of people. To often trainees are retained who are not cut out for the job.

3. Did you feel comfortable talking with your supervisor(s)?
   Not Wayne, Margaret yes. Felt she did not get along with Wayne well. She felt Wayne was intimidated by her.

4. How would you describe the culture of our department?
   She feels dispatch has low morale. Unless there are personnel changes it will not improve.

5. Did you feel that you were part of a team and that your input mattered?
   No one listens. Unless you're the top boss input does not matter.

6. How would you describe the overall working relationships and environment at the police department?
   It was fine. She got along with people.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Yes
8. Do you have any recommendations for how we can be a more effective/efficient department?
   No

9. Would you recommend our agency to others?
   Yep. Was a good job with good pay and benefits.

10. Any comments you would like to add?

Exit Interview

Employee: Erin Bonney

1. Why are you leaving the agency?
   Erin stated she was leaving the agency to be closer to her home, daughter and for more money.

2. What do you think our agency can do better?
   - Erin believed the sergeants could do a better job reviewing the work product of their officers. She felt the sergeants were not supervised properly and allowed mistakes and incomplete work to be done.
   -She also specifically stated Sgt. G. Johnson was a "terrible" supervisor. She stated nobody in investigations goes to him, everybody goes to S. Johnson.
   -Erin also mentioned some of the FTOs should not be FTOs and are not teaching new employees properly.
3. Did you feel comfortable talking with your supervisor(s)?
   Definitely

4. How would you describe the culture of our department?
   Erin described the culture as "improving". She stated moral was improving and much better than a couple of years ago. She also stated pay had improved.

5. Did you feel that you were part of a team and that your input mattered?
   Yes

6. How would you describe the overall working relationships and environment at the police department?
   Patrol and investigations get along well. There is a division between employees and administration.

7. Do you feel that you received adequate training to effectively perform your assigned duties and roles with the department?
   Sure did, got enough.

8. Do you have any recommendations for how we can be a more effective/efficient department?
   Erin thought she'd covered this in previous questions

9. Would you recommend our agency to others?
   Would not if they've ever been a cop somewhere else. With no prior experience she would.

10. Any comments you would like to add?
    It wasn't bad, wasn't looking to leave, just decided to move home.

Section I. General Information: Responsibility for Discipline Matrices

1. Discipline Type/Notification/Appeal Matrix

Discipline Type	Conducting Authority		Advance Notice of Adverse Action?			Appeal Rights
Verbal Counseling or Warning	Immediate Supervisor SGT/Lead		No	Stays on Division Level		No
Letter of Counseling	Immediate Supervisor SGT/Lead *LT/PSAP approval		No	Stays on Division level		Yes, Intra-Department only (Division Commander).
Written Reprimand	Division LT (or Prof Standards) *Division Commander approval		No	Personnel file with Dept Head (CHIEF) HR upon leaving the department		Yes, Intra-Department (Chief)
Suspension	Chief of Police		Yes, in writing, detailing effective date, purpose and appeal rights.	Personnel file with Dept Head (CHIEF) HR		Civil Service
Reduction in Compensation	Chief of Police		Yes, in writing, detailing the effective date, purpose and appeal rights.	Personnel file with Dept Head (CHIEF) HR		Civil Service
Demotion	Chief of Police		Yes, in writing, detailing the effective date, purpose and appeal rights.	Personnel file with Dept Head (CHIEF) HR		Civil Service

Section I. General Information: Responsibility for Discipline Matrices

Discipline Type	Conducting Authority		Advance Notice of Adverse Action?			Appeal Rights
Disciplinary Transfer with Demotion, Reduction in Compensation or Suspension	**Chief of Police**		**Yes, in writing, detailing the effective date, purpose and appeal rights.**	**Personnel file with Dept Head** HR		**Civil Service**
Probationary Failure (Misconduct)	**Chief of Police**		**No.** ***However, employee is notified of Probationary Failure by their Command.**	**Personnel file with Dept Head**		**No**
Termination of Permanent Employee	**Chief of Police**		**Yes, in writing.**	**Personnel file with Dept Head** HR		**Civil Service**

2. Other Non-Disciplinary Actions Matrix

Action Type	Conducting Authority		Advance Notice of Adverse Action?			Appeal Rights
Probationary Failure (Incompetence)	**Chief of Police**		**No.** ***However, employee is notified of Probationary Failure by their Command.**	**Personnel file with Dept Head (CHIEF)** **HR**		**No**
Immediate Suspension for Remainder of Work Day	**Chief of Police or any Designated Supervisor**		**Yes, but only if the situation permits.**	**Personnel file with Dept Head (CHIEF)**		**No**
Suspension Pending Investigation	**Chief of Police**		**Yes, but only if the situation permits.**	**Personnel file with Dept Head (CHIEF)**		**No, unless the Suspension has exceeded 30 days, or if the investigation results in further discipline.**
Non-Disciplinary Transfer	**Division Commander**		**No**	**Personnel file with Dept Head (CHIEF)**		**No**

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November 1, 2024

VIA EMAIL ONLY

Minot City Manager
Harold L. Stewart
harold.stewart@minotnd.gov

Re: Response to FOP Lodge #7 "No Confidence" Letter
Our File No.: 044500.24018

Dear Mr. Stewart:

I have been retained to represent Minot Police Department ("MPD") Chief John Klug. On September 23, 2024, MPD Office Kenton Kossan, under the auspices of the Souris Valley FOP Lodge #7 ("Lodge #7), sent an "Open Letter of Vote of No Confidence" to Council Member Rob Fuller, vaguely asserting "Chief Klug's conduct during his tenure leaves us with few options."

While responding to inarticulate generalizations of this nature presents substantial challenges, I wish to bring the following concerns to your attention. The composition of the "majority vote" of Lodge #7 members is notably unclear, but the complaints contained therein suggests individual grievants pursuing personal agendas from a group forum. The ambiguity of the allegations, coupled with the demand for termination, is startling and should be given little or no weight. We respectfully ask you to carefully consider the exceedingly vague nature of the allegations and not to accept the fundamentally flawed invitation to remove the Chief on the demand of a nameless few disgruntled officers.

The letter vaguely aggrieves a "degradation of morale" within the MPD. Leadership has repeatedly inquired into concerns regarding morale and culture, using various formal and informal tools. The general feedback leadership has received concerning culture and morale is that a few disgruntled officers are dragging down the morale of the force. We have genuine concerns that the generalized grievances from the complaining individuals reflects only the disgruntled minority view. It is not representative of the majority view of the dedicated men and women who make up the department.

That said, there are recent, reliable, and measurable data sources the City should weigh heavily against the letter's broad and dubious allegations. In 2023, the MPD formed a Peer Support/Wellness team, to monitor the wellbeing of the force and to provide collateral support to individual MPD officers. We recommend consultation with that team to obtain a clear understanding of the contextual background and issues underlying the letter's generalized grievances. We also

recommend a careful review of the Center for Public Safety Management ("CPSM") investigation report published earlier this year. Following a rigorous and searching assessment the CPSM concluded, "that the department is doing an outstanding job – considering the challenges of policing in today's environment – with a staff dedicated to the department's mission of providing quality police service." The CPSM report also makes a number of recommendations. Chief Klug has been working diligently with MPD leadership, and the City, to pursue the targeted improvements recommended by CPSM. The CPSM assessment specifically cautioned that, "it must be recognized that this process will not take just weeks or even months to complete but perhaps years. The recommendations are intended to form the basis of a long-term improvement plan for the city and department." While disgruntled individuals within the MPD may be pursuing self-serving agendas, Chief Klug and the leadership team, with the insight of stakeholders and City resources, have been actively pursuing an agenda for the betterment of the Department. The City should not accept the invitation to remove the Chief based on the generalized grievances of the few who disagree with the course charted by City and Department leadership. While these broad generalizations lack sufficient detail upon which a meaningful response can be articulated, I bring the following to your attention.

Concerning the vague allegation of communication breakdowns, it should be noted that aside from occasional requests for patrol car displays at FOP events, Lodge #7 leadership has only reached out to Chief Klug on one single substantive issue during his tenure. Then, former president and MPD Officer Aaron Moss and then vice-president and MPD Officer Kenton Kossan, met with Chief Klug concerning the balance, variety, and length of career assignments within the MPD. Officer Moss argued rotating assignments are disruptive to officer's personal lives, and the MPD's career assignment plans should be reconsidered. Chief Klug explained that the MPD's career assignment plans are intended to present cross-training opportunities to strengthen the Department and would continue, but he offered to discuss the matter and the Department's rationale in more detail. Officer Moss's approach was confrontational and became unnecessarily personal to a disrespectful degree. A follow-up meeting was scheduled with Lodge #7 membership and interested non-members. During that meeting Chief Klug answered questions and articulated the Department's rationale behind the career assignment plans. After the meeting, Officer Kossan came to Chief Klug's office and apologized for the tone of the meeting and said he did not intend the meeting to become confrontational and unprofessional.

Another generalized concern aggrieved by the complaining individuals is the allegation of "unfair/unequal enforcement of discipline standards." Chief Klug and MPD leadership have taken this concern very seriously. Prior inquiries revealed general impressions of some officers and staff concerning a lack of accountability. Chief Klug and MPD leadership, with the aid of the City Human Resources and the City Attorney's offices, have worked diligently to improve the consistent and fair enforcement of MPD policies. Merit principles have recently been integrated into promotion and performance reviews. A few individuals oppose the integration of merit principals into promotion systems. The intent of the change is to weigh strong performance and experience heavily to ensure a strong bench of future leaders and competent senior officers. Recently, MPD leadership

implemented a disciplinary matrix to ensure improved consistency and accountability across the force. The truth is, no career advancement or internal disciplinary decision is made in a vacuum. Chief Klug and MPD leadership rely on their shared knowledge and experience, as augmented by insight and support from the City Human Resources department, and City Attorney's office. A few individuals may oppose these changes when they have not worked to their individual benefit, but the intent of City and Department leadership has been to promote transparency, consistency, and fairness to ensure the competence and professionalism of the MPD for years to come.

The grieving individuals end the letter indicating a desire to approach challenges, "side by side with department leadership as a team." This sentiment stands in stark contrast to the broader message of the complaining individuals. As is clearly demonstrated in Chief Klug's approach, and that of the MPD leadership, the Department desires meaningful input and cooperation from all stakeholders. Candidly, the personal nature of the grieving individual's approach, lack of clear statement of concerns or recommendations, and unsupported assertion of "no confidence" do not evidence any desire to work side by side with City or Department leadership. It is an ultimatum to City leadership. It is not a meaningful request for cooperation, it is a demand inviting termination of the Chief in the absence of immediate concessions. The City should not accept this bad faith invitation.

On behalf of Chief Klug, I thank you for your time and consideration and welcome further discussion.

Respectfully,

Jesse H. Walstad

JHW:cjt

CENTER FOR PUBLIC SAFETY MANAGEMENT, LLC

POLICE OPERATIONS AND DATA REPORT

MINOT POLICE DEPARTMENT, MINOT, N.D.

FINAL REPORT

CPSM®

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ICMA

Exclusive Provider of Public Safety Technical Services for
International City/County Management Association

ABOUT THE ASSOCIATION AND THE COMPANY

INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION (ICMA)

The International City/County Management Association (ICMA) is a 109-year-old, non-profit professional association of local government administrators and managers, with approximately 13,000 members located in 32 countries.

Since its inception in 1914, ICMA has been dedicated to assisting local governments and their managers in providing services to their citizens in an efficient and effective manner. ICMA advances the knowledge of local government best practices with its website, www.icma.org, publications, research, professional development, and membership.

CENTER FOR PUBLIC SAFETY MANAGEMENT (CPSM)

The ICMA Center for Public Safety Management (ICMA/CPSM was launched by ICMA to provide support to local governments in the areas of police, fire, and Emergency Medical Services.

The Center also represents local governments at the federal level and has been involved in numerous projects with the Department of Justice and the Department of Homeland Security. In 2014, as part of a restructuring at ICMA, the Center for Public Safety Management (CPSM) spun out as a separate company and is now the exclusive provider of public safety technical assistance for ICMA. CPSM provides training and research for the Association's members and represents ICMA in its dealings with the federal government and other public safety professional associations such as CALEA, PERF, IACP, IFCA, IPMA-HR, DOJ, BJA, COPS, NFPA, etc.

The Center for Public Safety Management, LLC, maintains the same team of individuals performing the same level of service that it had for ICMA. CPSM's local government technical assistance experience includes workload and deployment analysis using our unique methodology and subject matter experts to examine department organizational structure and culture, identify workload and staffing needs, and identify industry best practices.

We have conducted more than 400 such studies in 46 states and provinces and more than 275 communities ranging in population size 3,300 (Lewes, DE) to 800,000 (Indianapolis, IN).

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SECTION 1. EXECUTIVE SUMMARY

The Center for Public Safety Management, LLC (CPSM) was commissioned to review the operations of the Minot Police Department (MPD). While our analysis covered all aspects of the department's operations, particular areas of focus of this study included identifying appropriate staffing of the department given the workload, community demographics, and crime levels; the effectiveness of the organizational structure; and efficiency and effectiveness of division/unit processes.

We analyzed the department workload using operations research methodology and compared that workload to staffing and deployment levels. We reviewed other performance indicators that enabled us to understand the implications of the service demand on current staffing. Our study involved data collection, interviews with key operational and administrative personnel, focus groups with line-level department personnel, on-site observations of the job environment, data analysis, comparative analysis, the development of alternatives and recommendations, and engagement with key city stakeholders.

Based upon CPSM's detailed assessment of the Minot Police Department, we conclude that the department is doing an outstanding job—considering the challenges of policing in today's environment—with a staff dedicated to the department's mission of providing quality police service. Throughout this report, we will strive to allow the reader to look inside the department to understand its strengths and challenges. We sincerely hope that all parties constructively utilize the information and recommendations contained herein to improve the operations of the Minot Police Department to provide an even higher level of service to the community.

As part of this Executive Summary, we offer general observations that identify some of the department's more significant issues. We also list key recommendations for consideration; we believe these recommendations will enhance organizational effectiveness. Often, these types of recommendations require a substantial financial commitment. It is important to note that this report will examine specific sections of the department and offer a discussion of our observations and recommendations for each.

The list of recommendations is extensive. Should the Minot Police Department choose to implement any or all recommendations, it must be recognized that this process will not take just weeks or even months to complete but perhaps years. The recommendations are intended to form the basis of a long-term improvement plan for the city and department. Though lengthy, this list of recommendations is standard in our operational assessments of agencies around the country and should not be interpreted as an indictment of the department. While all of the recommendations are important, we suggest the Minot Police Department, in conjunction with the City Manager and community members, decide which recommendations should take priority for implementation.

§ § §

GENERAL OBSERVATIONS

- The employees of the Minot Police Department spoke very highly of the Minot community. Employees cited tremendous community support for the officers of the department as well as law enforcement in general. Many employees cited this dynamic as being among the greatest draws to wanting to work in the City of Minot.
- The Minot Police Department is a mid-sized police department in a mid-sized community. However, in many respects it is a large police agency in a large community by North Dakota standards. As such, the department performs functions and is equipped better than most of its comparable peer-sized agencies around the country. This makes sense considering the department's role in policing within the northwestern area of the state. However, in other ways the department is similar to smaller departments and communities where everybody knows one another and most employees perform multiple roles for the operational success of the agency.
- As with any police department, there is always concern about the welfare and morale of the workforce. Although some employees cited concerns about many of the common complaints we normally hear (staffing, communication, leadership, etc.) during an assessment, we found the MPD employees to be professional and positive during our interactions, interviews, and group sessions. This is not to imply we conducted a survey of morale and asked specifically if employees were happy. However, we have conducted many of these assessments, and MPD employees were generally positive compared to most assessment projects.
- This report will make some limited recommendations for additional personnel. However, in general we found the Minot Police Department to be well-staffed to manage the patrol and investigative workload of the agency.
- The department is well-equipped and possesses most of the modern technology that is present in contemporary police agencies.
- The management team of the MPD is professional and engaged and appeared to be taking steps to either move the agency toward positive change or keep the agency contemporary in modern policing principals.
- There are some long-term planning concerns that should be addressed by the department and the City of Minot. This includes a decision on the future home of the department, the future management structure of the community's consolidated dispatch center, and staffing considerations associated with the Minot International Airport.

§ § §

KEY RECOMMENDATIONS

Section 3. Department Overview

(See pp. 12-25.)

1. CPSM recommends the Minot Police Department engage in a facilitated strategic planning process.
2. We recommend that MPD establish a succession planning document that will outline necessary and desired training for employees in key positions in the department.
3. We recommend the MPD include an effective date and an expiration date when issuing a department directive.
4. We recommend that MPD establish a process whereby long-term directives are added to the department's policy manual.
5. We recommend that MPD establish a process whereby employees acknowledge receipt of department directives as required by policy.
6. We recommend MPD update the department's organizational chart that accurately depicts current operations and functions.
7. CPSM recommends that MPD convert one captain position to a deputy/assistant chief position.
8. We recommend the department add an FTE administrative assistant to the department organizational structure.
9. We recommend that MPD take steps to clarify its personnel rosters and keep those rosters updated on a regular basis.
10. We recommend a printable complaint form be offered on the police department's website.
11. We recommend the department take steps to separately classify, investigate, and track service complaints against the department.
12. We recommend that MPD take steps to involve sergeants in low-level internal investigations.
13. MPD should conduct an audit of all internal investigations going back three years to ensure all investigations were completed as required by policy.
14. CPSM recommends that MPD explore off-the-shelf software solutions for tracking and maintaining internal investigations and other personnel matters.

Section 4. Administration

Community Outreach

(See pp. 26-27.)

15. We recommend that MPD enhance overall community engagement with training afforded to employees on expectations of community engagement and interaction.

Recruitment, Hiring, and Training

(See pp. 27-28.)

16. We recommend that recruitment, hiring, and training functions be denoted on the department organization chart.
17. CPSM recommends that MPD explore the various changes to the recruitment and training efforts outlined in our discussion.

Property and Evidence

(See pp 29-34.)

18. CPSM recommends MPD develop a strategic plan for the P&E Unit and begin to transition sworn personnel to a civilian property and evidence administrator and evidence technicians.
19. CPSM recommends an after-hours and emergency process be documented in the Lexipol policy system for organizational reference.
20. CPSM recommends that MPD continue to develop the section manual as a usable guide for P&E personnel. CPSM also recommends that MPD ensure that all members assigned to the P&E Unit become formal members of the IAPE and use IAPE resources to continue to update and expand the section property manual.
21. CPSM recommends MPD consider developing a "Property Staff and Activity Report" to measure productivity in Property and Evidence. IAPE can provide guides for developing an activity report that meets the standards expected of a P&E section.
22. CPSM recommends MPD consider using part-time (sometimes retired personnel) as evidence technicians to provide the extra effort to improve systems and provide "back-up" for the current evidence technician.
23. It is recommended that the MPD develop an audit schedule annually or bi-annually that produces an administrative report of activity.
24. CPSM recommends that MPD complete the workspace study and initiate a process to reduce the number of property room storage locations.
25. CPSM recommends a written check-in and check-out signature board at the entry/exit points of the main property rooms.
26. It is recommended that MPD seek professional assistance and when appropriate purchase a design storage system that will reduce the backlog and create open space in a legal and proper method. This will reduce the chances of misplaced items, improve the ability to track and locate evidence, and guard against workplace injuries.
27. CPSM highly recommends MPD utilize the capabilities of the records management system to develop a regular monthly report that documents incoming and outgoing items, and how many items are disposed of each month. This approach is highly recommended by IAPE and will reduce liability exposure while improving risk management.
28. CPSM recommends MPD strongly consider a temporary task force comprised of part-time (trained) personnel to conduct a complete audit of the property room and dispose of unneeded items.
29. MPD should seek out a formal property room audit through IAPE once the workspace project is completed in 2024.

Records Unit

(See pp. 34-38.)

30. It is recommended that MPD begin to develop a multiyear plan to transition the sergeant and master officer positions to professional (civilian) staff to oversee the Records and the Property and Evidence Units.
31. CPSM strongly supports the current approach by MPD to cross-train the Records staff to achieve the outcomes identified in this report.
32. CPSM recommends MPD use its RMS system and other systems to provide a monthly statistical report on the total tasks the Records staff perform.

33. CPSM recommends the MPD consider an online reporting system to decrease the need for patrol officers to respond to "report only" calls for service.

34. CPSM recommends MPD increase training and develop skill levels among the records technicians; MPD should establish an in-house training system to meet mandated training requirements for all new Records personnel by using a training matrix.

35. It is recommended that Records supervisors use national organization membership to participate in webinars and learn contemporary methods that may help solve current and future challenges.

36. CPSM recommends MPD consider hiring part-time records personnel to offset the increasing workload and increase the current number of full-time staff.

Section 5. Operations

Patrol

(See pp. 39-58.)

37. CPSM recommends that MPD establish a training matrix for patrol officers and sergeants that includes the benefits of patrol officers being proactively engaged with the community and other modern policing strategies.

38. CPSM recommends that Minot PD divide up its geographic beat structure into a greater number of beats that are smaller in size than its existing beats.

39. We also recommend the department establish smaller reporting districts that will aid in future crime analysis work.

40. We recommend MPD adjust some officers on the evening (mid) shift from reporting for duty from 4:00 p.m. to 2:00 a.m. to reporting for duty from 2:00 p.m. until midnight in order to increase the number of available officers during peak call volume times.

41. CPSM recommends that MPD explore the expansion of the use of civilian, non-sworn employees to assist the patrol division. This includes the reclassification of the Parking Control Officer (PCO) to a Community Service Officer (CSO) and adding one FTE civilian CSO.

42. We recommend MPD pursue an online reporting option.

Tactical Team (SWAT)

(See pp. 61-63.)

43. CPSM recommends Minot increases its SWAT team training to 16 hours per month in compliance with NTOA.

44. MPD should consider equipping patrol officers who are SWAT team members with SWAT resources in order to have trained tactical officers available to immediately respond to a critical incident. Additionally, we recommend allowing SWAT officers to check out their assigned department-issued SWAT rifle daily to be secured in their assigned patrol vehicle rather than the shared patrol rifle.

45. We recommend MPD train sergeants in the use of less-lethal munitions and equip the supervisor vehicles with less-lethal force options.

K-9 Operations and Bomb Team

(See p. 63.)

46. CPSM recommends MPD assign one of the K-9 teams to the Focused Enforcement Unit.

Focused Enforcement Unit

(See p. 64.)

47. CPSM recommends MPD assign one of the K-9 teams to the Focused Enforcement Unit.

48. CPSM recommends at least one police officer be assigned full-time to the Focused Enforcement Unit.

49. We recommend MPD develop a policy for the Focused Enforcement Unit outlining the mission of the unit, specific goals, and procedures for deployment and use. This policy should clearly specify intelligence-led policing initiatives that will be used to make the Focused Enforcement Unit effective.

Police Patrol Fleet

(See pp. 64-65.)

50. CPSM recommends MPD assign no more than two officers to each marked police vehicle and purchase additional marked police vehicles to allow for this.

51. We recommend officers check-out a patrol rifle daily and it be inspected at the beginning and end of each shift. The rifles should be zeroed in on the range regularly.

Animal Control and Parking Control

(See pp. 65-66.)

52. CPSM recommends MPD reclassify the Parking Control Officer position to Community Service Officer (CSO). The CSOs can be cross-trained for animal control, parking enforcement, traffic control, vehicle impounds, driver information exchange on non-reportable, minor vehicle accidents, handling report-only lower-level criminal offenses that are not in progress, and a variety of other administrative tasks currently handled by patrol officers. The CSO positions can also assist the Community Outreach sergeant with community events.

53. One additional CSO position is recommended in FY 25 by converting the fleet manager position from part-time to full-time and reclassifying it as a CSO.

54. We recommend cross-training the Animal Control Officers (ACO) as Community Service Officers (CSOs) in addition to their ACO duties for use during peak times on patrol and as a force multiplier.

Section 6. Investigations

(See pp. 67-88.)

55. CPMS recommends the MPD expand its current investigator (600) policy to include specific assignments within CID and define the position of senior/master officer positions.

56. CPSM recommends MPD expand Policy 600 and provide a written matrix of detective rotation assignments and the process of how investigators are selected.

57. CPSM recommends CID consider a detective rotation schedule of three to five years, with the ability to extend individual rotations based on investigative needs.

58. With the constant changes in BWV laws, redacting software, and new technologies by Axon, MPD will need to invest and possibly expand the evidence technician position. CPSM recommends MPD increase the training level of the evidence technician and provide ongoing professional development.

59. CPSM recommends CID establish an SOP, inclusive of templates and resources to further the professional development of all personnel.

60. CPSM recommends MPD's CID develop a more comprehensive list of professional training through a training matrix and evaluate the need for additional courses as CID develops new specialized assignments in the future.
61. CPSM recommends that CID develop an Excel spreadsheet or other document to track special operations and search warrants involving CID personnel.
62. CPSM recommends that as the workspace project is completed MPD should seek out the ability to provide private workspace for sexual assaults and domestic violence detectives with consideration for the sensitive nature of their victim relationships and types of investigations.
63. CPSM recommends the MPD consider the reassignment of personnel to structured areas of investigations such as violent and property crimes as well as into smaller workgroups such as burglaries, robberies, sex crimes, thefts, and homicides.
64. CPSM recommends MPD to use its RMS system to develop a 30- or 60-day reporting system to track updates and progress of investigations.
65. CPSM recommends the Minot Police Department develop a database (preferably with RMS) to track and report on the number of cases assigned to each detective and the number of investigations closed by patrol officers.
66. CPSM also recommends that MPD seek out a solution to ensure that the arrests made by warrant service are entered into the RMS system and updated in the county system to better track clearance rates related to warrant arrest. This may be a feature best accomplished by a full-time crime analyst position as recommended in this report.
67. CPSM recommends MPD develop a policy with the assistance of Lexipol to guide the Bomb Unit and define operational standards and protocols that meet and exceed industry standards.
68. It is recommended that CID assign the narcotics unit to an intelligence-led unit of detectives trained to use 21st-century policing strategies to focus on career criminals, crime trends, and violent crimes.
69. It is recommended that MPD utilize one to two former (retired) police officers with investigative experience to assist in evaluating and reviewing unsolved homicides and missing persons cases on an annual and as-needed basis.
70. Based on the number of Part I crimes and the number of police officers, CPSM recommends that MPD consider the addition of one full-time or part-time civilian analyst.
71. CPMS recommends that the crime analyst receive ongoing professional training from the IACA and other entities.
72. CPSM also recommends that MPD continue to develop and advance the role of the evidence technician position by advancing their annual training to include national conferences and out-of-state training with entities such as the Secret Service in order to advance MPD's capabilities.
73. CPSM recommends that MPD continue to assign personnel to regional, state, and federal task forces and attempt to ensure full-time commitment when resources are available.
74. CPSM recommends MPD assign one full-time investigator to the ICAC task force to fulfill its task force obligation while promoting the ICAC initiative throughout the region.
75. CPSM recommends that CSRU develop an ongoing training matrix to ensure ongoing professional development.

76. CPSM recommends that MPD consider developing a standalone crime scene (civilian) technician unit in support of the continued use of the CSRU component.

77. CPSM recommends the MPD restructure CID in striving for an intelligence-led policing model suggested by IACP and PERF to pursue career criminals and known suspects through intelligence-led strategies.

78. MPD should seek out national leadership training courses for frontline personnel and which are focused on self-leadership, fortitude, and providing an understanding of today's policing challenges.

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SECTION 2. METHODOLOGY

Data Analysis

CPSM used numerous sources of data to support our conclusions and recommendations for the Minot Police Department. Information was obtained from the FBI Uniform Crime Reporting (UCR) Program, Part I offenses, along with numerous sources of internal information. UCR Part I crimes are defined as murder, rape, robbery, aggravated assault, burglary, larceny-theft, and larceny of a motor vehicle. Internal sources included data from the computer-aided dispatch (CAD) system for information on calls for service (CFS).

All data, analysis, and recommendations, especially for patrol operations, are based upon CPSM's examination of 32,206 CAD events during the period of October 1, 2022, through September 31, 2023, which are those calls handled by the department's patrol officers. Of those 32,206 calls noted, 22,413 were community-initiated calls requiring service, and 9,197 were calls initiated by MPD police officers.

Interviews

This study relied extensively on intensive interviews with personnel. Remote (Zoom meetings), on-site, and in-person interviews were conducted with people throughout the organization and the city.

Focus Groups

A focus group is an unstructured group interview in which the moderator actively encourages discussion among participants. Group discussion permits greater exploration of topics. For the purposes of this study, focus groups were held with a representative cross-section of employees within the department.

Document Review

CPSM consultants were furnished with numerous reports and summary documents by the Minot Police Department. Information on planning, personnel staffing, deployment, monthly reports, annual reports, operations manuals, evaluations, training records, and performance statistics were all reviewed by project team staff. Follow-up emails and phone calls were used to clarify information as needed.

Operational/Administrative Observations

Numerous observations were conducted over the course of the evaluation period. These included observations of general patrol operations, investigations, and administrative services such as records, property and evidence, professional standards, and administrative functions. CPSM representatives engaged in all facets of department operations from a "participant observation" perspective.

Staffing Analysis

In virtually all CPSM studies, we are asked to identify appropriate staffing levels. That is the case in this study as well. This report will discuss workload, operational and safety conditions, and other factors to be considered in establishing appropriate staffing levels. Staffing recommendations are based on our comprehensive evaluation of all relevant factors.

SECTION 3. COMMUNITY AND DEPARTMENT OVERVIEW

COMMUNITY

The City of Minot is located in the north-central part of the State of North Dakota. It is the county seat for Ward County and is the fourth most populous city in North Dakota. The city was founded in 1886 during the construction of the Great Northern Railroad and today serves as a primary city of the Minot micropolitan area, consisting of McHenry, Renville, and Ward counties. The city is within 50 miles of the United States–Canada border.

U.S. Census data places the city size at 27.2 square miles, which represents a growth of 10 square miles from the city's geographic size in 2010 (17.4 square miles).

The city is well known as the home of Minot Air Force Base, which is located 13 miles north and is the city's largest employer. The Minot AFB is among the most important military installations in the United States because of its role in the national nuclear capabilities. The community is also home to Minot State University, the third-largest university in the State of North Dakota, and a campus of the North Dakota University system. The oil industry is also a significant employer and economic driver for the Minot community. While many in this industry live in Minot, the industry also has a significant transient workforce that impacts the population of the community.

Minot's climate is known for very cold winters with an average snowfall of 42 inches and almost 40 days annually of below-zero temperatures, while summers are warm to moderately hot with frequent thunderstorms.

Minot uses a council-manager system of government with seven council members elected from within the city's seven wards. The city's mayor is separately elected. The city manager handles the city's day-to-day business.

Demographics

According to the U.S. Census, the estimated population in Minot was 47,759 in 2022. That is a slight decline from the 2020 census, which showed the population to be 48,377. Since 1980, the city has experienced moderate growth, including 18 percent growth between 2010 and 2020 (40,888 to 48,377).

The following table provides a breakdown of select demographic data in Minot compared to Ward County, the State of North Dakota, and the United States.

TABLE 3-1: Select Demographic Data (2020 Census)

	Minot, ND	Ward County, ND	North Dakota	United States
Population	48,377	69,919	779,094	331,449,281
White	82.30%	87.10%	86.60%	75.50%
Black or African American	4.70%	4.70%	3.60%	13.60%
American Indian	2.30%	2.80%	5.30%	1.30%
Asian Alone	2.00%	1.80%	1.70%	6.30%
Hispanic or Latino	7.10%	7.00%	4.60%	19.10%
Owner Occupied Housing	55.30%	59.80%	63.00%	64.50%
Median Value of Housing	$217,500	$224,200	$209,900	$244,900
Median Gross Rent	$893	$951	$853	$1,163
Persons Per Households	2.24	2.4	2.37	2.6
High School Grad Over Age 25	92.90%	93.80%	93.30%	88.90%
Bachelor's Degree of Higher	30.30%	29.40%	31.10%	33.70%
Median Household Income	$68,453	$72,227	$68,131	$69,021
Persons in Poverty	11.70%	9.40%	11.50%	11.50%
Population per Square Mile	1,774	34.7	11.3	93.8

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The Minot Police Department is a full-service law enforcement agency and is the primary law enforcement agency serving the City of Minot. Due to the department's size and geographic remoteness, it is among the larger police agencies in North Dakota and provides assistance to many agencies and communities in the region when requested. Although the Ward County Sheriff's Department is headquartered in Minot, it is much smaller and relies on the MPD for assistance when needed.

We inquired with MPD staff about who it might rely on in a mutual aid event. The department said Ward County Sheriff and the State Patrol would be the most capable to assist but both agencies are far more limited with their available assets to assist. There are also smaller communities with police departments around the greater Minot area, but most are very small agencies that would be unlikely to offer any significant assistance.

Neither the local school district nor Minot State University have police departments; both rely on MPD for all law enforcement services to their campuses. Minot Air Force base does have security and police services but because these are military assets, their ability to aid MPD is very limited.

Uniform Crime Reports / Crime Trends

While communities differ from one another in population, demographics, geographical landscape, and socioeconomic distinctions, comparisons to other jurisdictions can be helpful in illustrating how crime rates in Minot measure up against those of other North Dakota communities as well as the State of North Dakota and the nation overall.

The FBI's Uniform Crime Reporting (UCR) Program assembles data on crime from police departments across the United States; the reports are utilized to measure the extent, fluctuation, and distribution of crime. For reporting purposes, criminal offenses are divided into two categories: Part 1 offenses and Part 2 offenses. For Part 1 offenses, representing the most serious crimes, the UCR index is split into two categories: violent crimes and property crimes. Violent crimes include murder, rape, robbery, and aggravated assault. Property crimes include burglary, larceny, and motor vehicle theft. Crime rates are expressed (indexed) as the number of incidents per 100,000 population to allow for comparison.

The following tables and figures include the most recent information that is publicly available at the national level. This includes crime reports for 2013 through 2022 and clearance rates for 2021 and 2022.

In comparing Minot data with other North Dakota jurisdictions, one can see that MPD reports a violent crime rate similar to the North Dakota average and a property crime rate significantly lower than the state average. Both categories of crime numbers are significantly lower than the national average.

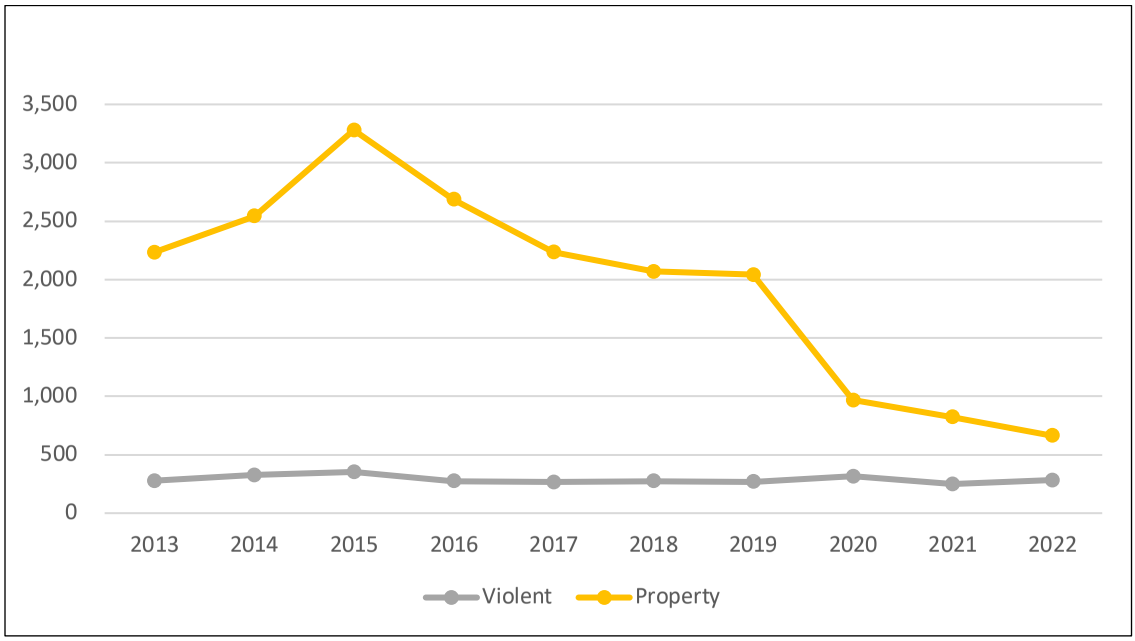
TABLE 3-2: Reported Crime Rates in 2021 and 2022, by City

Municipality	State	2021				2022			
		Population	Crime Rates			Population	Crime Rates		
			Violent	Property	Total		Violent	Property	Total
Bismarck	ND	75,396	281	1,576	1,857	74,604	307	1,391	1,698
Dickinson	ND	24,179	252	922	1,175	24,577	236	879	1,115
Fargo	ND	127,313	500	3,194	3,694	127,649	607	3,037	3,644
Jamestown	ND	14,879	302	1,425	1,727	15,772	222	1,116	1,338
Grand Forks	ND	56,253	299	1,547	1,845	58,620	292	1,733	2,025
Mandan	ND	23,292	365	3,332	3,697	24,666	235	2,903	3,138
West Fargo	ND	39,704	161	1,007	1,169	39,987	180	913	1,093
Williston	ND	31,680	287	909	1,196	25,513	494	1,634	2,128
Minot	**ND**	**48,086**	**250**	**821**	**1,071**	**47,278**	**281**	**662**	**943**
North Dakota		**774,948**	**241**	**1,398**	**1,639**	**779,261**	**266**	**1,335**	**1,601**
National		***332,031,554**	**396**	**1,933**	**2,329**	**332,403,650**	**380**	**1,954**	**2,334**

Note: *We used national crime and clearance rates estimated in the FBI's report *The Transition to the National Incident-Based Reporting System (NIBRS): A Comparison of 2020 and 2021 NIBRS Estimates.*

The following figure visually represents the violent and property crime rates for Minot from 2013 through 2022. Violent crime has remained static, while property crime overall has declined considerably over that period of time.

FIGURE 3-1: Reported Minot Violent and Property Crime Rates, by Year



The next figure shows that prior to 2017, the overall crime rate in Minot was above the North Dakota average, yet by 2019–2020, the overall crime rate fell below the North Dakota average. This also occurred at a time when overall crime in the state was declining.

FIGURE 3-2: Reported City and State Crime Rates, by Year

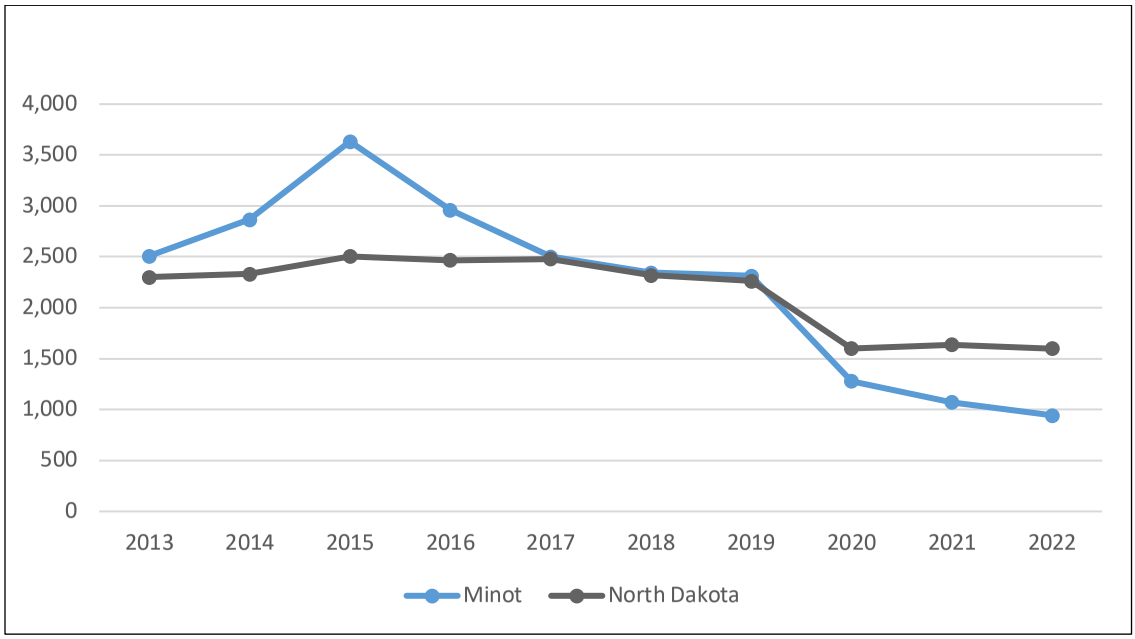


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TABLE 3-3: Reported Minot, North Dakota, and National Crime Rates, by Year

Year	Minot				North Dakota				National			
	Population	Violent	Property	Total	Population	Violent	Property	Total	Population	Violent	Property	Total
2013	44,635	276	2,234	2,509	747,626	261	2,040	2,301	321,947,240	362	2,627	2,989
2014	47,682	325	2,542	2,867	764,102	261	2,072	2,333	324,699,246	357	2,464	2,821
2015	49,842	353	3,280	3,633	781,773	247	2,257	2,504	327,455,769	368	2,376	2,744
2016	51,265	273	2,686	2,959	783,900	244	2,224	2,468	329,308,297	383	2,353	2,736
2017	50,118	267	2,235	2,502	755,393	281	2198	2,479	325,719,178	383	2,362	2,745
2018	48,829	274	2,070	2,344	760,077	281	2040	2,321	327,167,434	369	2,200	2,568
2019	48,185	270	2,042	2,312	762,062	285	1977	2,262	328,239,523	379	2,010	2,489
2020	48,108	314	967	1,280	765,309	244	1356	1,600	331,449,281	399	1,958	2,357
2021	48,086	250	821	1,071	774,948	241	1398	1,639	332,031,554	396	1,933	2,329
2022	47,278	281	662	943	779,261	266	1335	1,601	332,403,650	380	1,954	2,334

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The following tables show the reported crime clearance rates for the Minot Police Department in 2021 and 2022. In general, Minot shows a clearance rate that is on par with or better than the state and national average for those crime categories with a higher volume of reported crimes (assault, burglary, larceny, and vehicle theft).

TABLE 3-4: Reported Minot, State of North Dakota, and National Crime Clearance Rates, 2021

Crime	Minot			North Dakota			National		
	Crimes	Clearances	Rate	Crimes	Clearances	Rate	Crimes	Clearances	Rate
Murder Manslaughter	3	3	100%	17	16	94%	22,900	11,500	50%
Rape	41	7	17%	340	66	19%	144,300	16,500	11%
Robbery	4	1	25%	186	65	35%	202,200	48,800	24%
Aggravated Assault	72	52	72%	1,321	796	60%	943,800	297,500	32%
Burglary	115	14	12%	2,899	358	12%	899,700	107,200	12%
Larceny	143	23	16%	5,958	751	13%	4,627,000	508,900	11%
Vehicle Theft	137	25	18%	1,979	406	21%	890,200	68,500	8%

Note: *We used national crime and clearance rates estimated in the FBI's report *The Transition to the National Incident-Based Reporting System (NIBRS): A Comparison of 2020 and 2021 NIBRS Estimates*

TABLE 3-5: Reported Minot, State of North Dakota, and National Crime Clearance Rates, 2022

Crime	Minot			North Dakota			National		
	Crimes	Clearances	Rate	Crimes	Clearances	Rate	Crimes	Clearances	Rate
Murder Manslaughter	3	2	67%	30	23	77%	21,797	10,752	49%
Rape	37	3	8%	379	72	19%	132,997	27,856	21%
Robbery	8	3	38%	216	83	38%	215,760	51,930	24%
Aggravated Assault	85	54	64%	1,448	853	59%	756,601	334,405	44%
Burglary	92	15	16%	2,585	409	16%	916,970	125,838	14%
Larceny	89	17	19%	5,818	876	15%	4,947,709	633,098	13%
Vehicle Theft	132	28	21%	1,999	428	21%	953,827	87,140	9%

Strategic Planning

Strategic planning is an organizational management activity that is used to set priorities, focus energy and resources, strengthen operations, ensure that employees and other stakeholders are working toward common goals, establish agreement around intended outcomes/results, and assess and adjust the organization's direction in response to a changing environment. It is a disciplined effort that produces fundamental decisions and actions that shape and guide what an organization is, who it serves, what it does, and why it does it, with a focus on the future.

Effective strategic planning articulates where an organization is headed, and the actions needed to make progress and how it will know if it is successful.

The MPD does not have a written strategic plan. Most planning done by the department is made at the management level and is often an informal process connected to the annual budget process. Contained within this report will be a number of suggestions and recommendations; some of the recommendations may require long-term planning. We encourage the Minot Police Department to engage a cross-section of the department as well as community stakeholders to chart a path forward in a facilitated strategic planning process. A process that involves long-term planning with measurable goals and objectives is the most effective manner of strategic planning, and a process that involves a cross-section of the community, including elected officials, facilitates a commitment to an agreed-upon plan.

Recommendation:

- CPSM recommends the Minot Police Department engage in a facilitated strategic planning process. (Recommendation No. 1.)

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Succession Planning

For many smaller and mid-sized police departments, such as the Minot Police Department, succession planning is difficult and often informal. Oftentimes, resources can be scarce, and it can be difficult to have key management personnel away for any length of time for professional development.

MPD does not have a written succession plan. Nor does the department have an established training matrix for employees in key positions to ensure professional development for the benefit of both the employee and the city. We encourage the MPD to establish a succession plan in the form of a training matrix that will commit personnel to a professional training and development plan. An effective plan should successfully position key personnel for future positions and leadership within the department and the policing industry.

Recommendation:

- We recommend that MPD establish a succession planning document that will outline necessary and desired training for employees in key positions in the department. (Recommendation No. 2.)

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A succession plan should not be confused with "succession of command." MPD does have a succession of command document that outlines the department authority structure in the absence of key command personnel.

Minot Police Department Mission Statement

The Mission Statement of the Minot Police Department is as follows:

> *The Minot Police Department will provide excellent police services to the citizens and guests of the City of Minot. We will strive to reduce and prevent crime, instill a sense of safety and security, and to work in partnership with our community to preserve a high quality of life. We will use our training and resources along with our values of honor, integrity, and trustworthiness to serve our citizens. Our goal is*

to make Minot a better place for all to live through our commitment to our profession.

Department Policy Manual

The Minot Police Department uses a subscription-based policy service provided by Lexipol. In our experience, subscription-based services for department policy manuals are an industry best practice. Departments that manage their own policy manuals struggle to keep up with timely updates as changes in the law enforcement profession occur; additionally, any policy that gets created or updated should be legally vetted to ensure the policy will stand up to outside scrutiny if and when litigation occurs. Subscription-based services provide these up-to-date changes in a timely manner with industry best practice policies that have been legally reviewed.

Services such as Lexipol will provide an agency with an off-the-shelf manual that requires minimal customization. Some agencies elect to adopt the manual "as is" with minimal customization (i.e., inserting the agency name where appropriate). However, the implementation process allows agencies to modify the Lexipol policy as much as they like to either fit their operational culture or to match past policies out of a previous manual. When modifications are made, those modifications are not typically vetted by Lexipol's legal services and are, therefore, potentially outside the policy's original intent. We discussed this with MPD staff and learned that modifications to the Lexipol policy were made, but up to this point, any updates distributed by Lexipol have not resulted in any significant conflicts.

In addition to the policy, Lexipol also offers a policy attestation tool that creates a record that all employees have reviewed and understood the policy. The service also offers a training tool called Daily Training Bulletins (DTBs) that challenge an employee's understanding and application of policy through scenario-based training. The Minot Police Department uses this module of the Lexipol service.

MPD also uses a "Department Directive" method of disseminating information about a temporary change in procedure or practice. This is very common in agencies; in the MPD it is covered in department Policy 201, Departmental Directives. The policy states that the department will ensure that employees receive and acknowledge receipt of the department directive; additionally, policy states that long-term department directives should be added to the permanent policy manual at some point. There is ambiguity regarding when directives expire or should be converted into policy. We could not find evidence of this policy being followed consistently. Some employees expressed frustration at not always being aware of changes and some changes were reported to happen by word of mouth versus a written directive. An example was given that COVID protocols implemented in 2020 technically never went away; employees reported that they simply stopped doing some of the practices such as wearing masks.

We believe this situation can be mitigated by including an effective date and an expiration date on the directives when issued. Management should then be cognizant to either extend the directive as the expiration date approaches, add the directive into the department policy manual as a permanent practice/procedure, or allow the directive to expire. The department also needs to establish a procedure of ensuring employees have received department directives as outlined in policy.

Recommendations:

- We recommend that MPD include an effective date and an expiration date when issuing a department directive. (Recommendation No. 3.)

- We recommend that MPD establish a process whereby long-term directives are added to the department's policy manual. (Recommendation No. 4.)
- We recommend that MPD establish a process whereby employees acknowledge receipt of department directives as required by policy. (Recommendation No. 5.)

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Accreditation

Law enforcement agency (LEA) accreditation is a self-initiated process of adopting and maintaining standardized policies and procedures. LEAs operate within a specific set of state- and/or nationally recognized standards that are determined and defined by an accreditation body.[1]

Within the United States, one nationally recognized accreditation program called the Commission on Law Enforcement Accreditation (CALEA) applies to a municipal police department such as the Minot Police Department. In many states, there is a separate accreditation process either through a state police chiefs association or through the state itself. North Dakota does not have a state accreditation program, meaning that options for North Dakota police departments, including Minot PD, are limited to the CALEA process. In our experience, agencies that have pursued accreditation through CALEA have found the process to be labor intensive and costly. Yet, some agencies have reported positive organizational change that has resulted from these processes.

MPD has not pursued accreditation through CALEA, and it is unclear if past administrations ever evaluated the need to pursue accreditation. Due to the department's embrace of Lexipol to ensure policies are up to date, and based on our observations of the department, we do not see a need to specifically recommended that MPD pursue accreditation. However, this is a department choice and being an accredited agency can provide an additional layer of confidence to the community that their police department is contemporary and embracing the most up-to-date concepts of constitutional policing. The decision about accreditation should be regularly evaluated by the agency, with the benefits weighed against the cost and operational impact.

Department Structure / Chain of Command

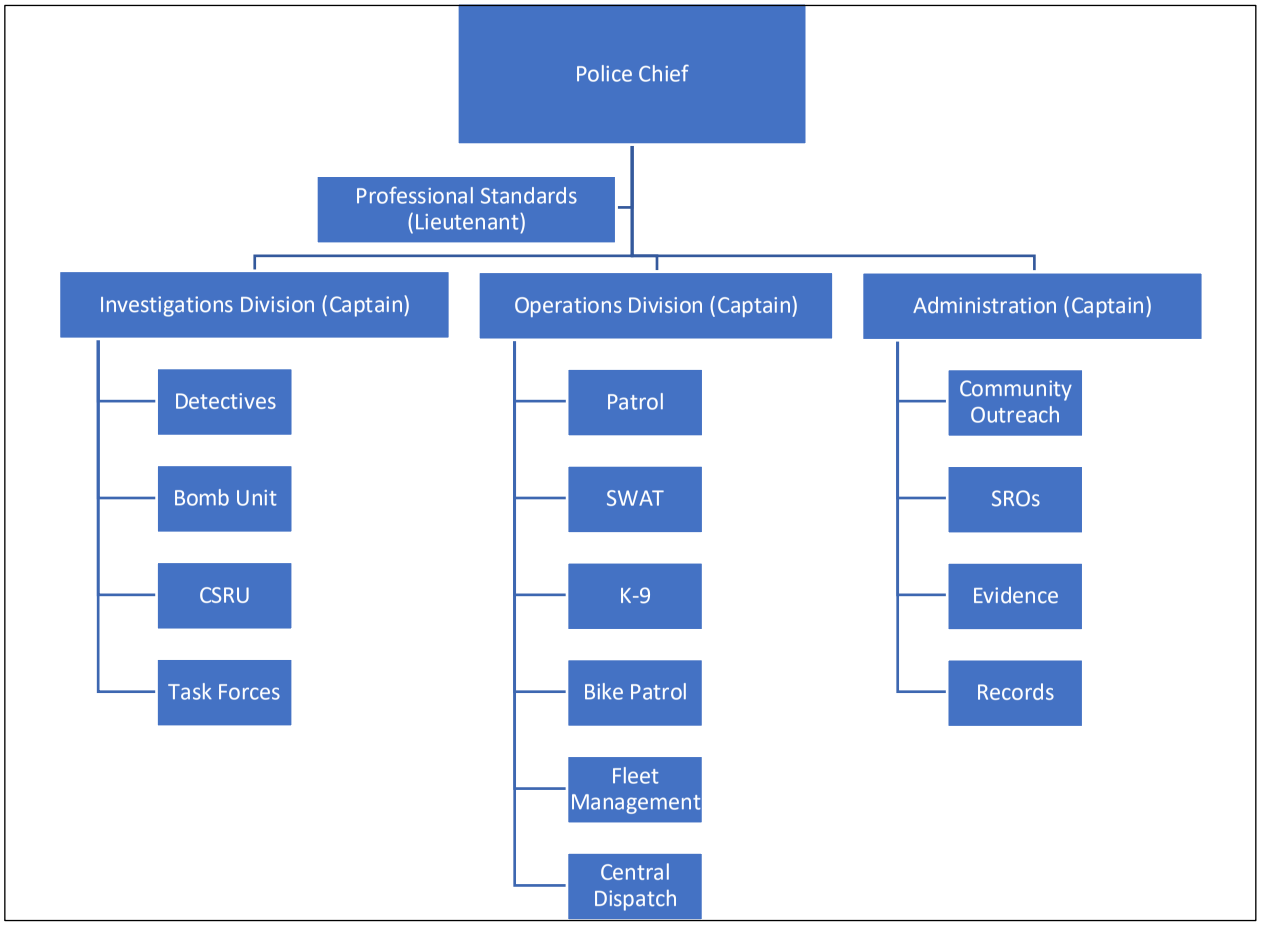
The Minot Police Department is led by a police chief and is divided into three divisions, each led by a police captain. The three captains, as well as the professional standards lieutenant, report directly to the Police Chief. The three divisions are Operations (Patrol), Administration, and Investigations.

The organizational chart that follows is a functional chart created by CPSM and based on a Microsoft Excel document "chart" provided by the department. The department's chart showed individual employees such as each officer position in patrol but not necessarily every position in the department. The department chart also showed some functions that did not include FTE employees, and not all functions were listed. One example is bike patrol is included under Operations even though bike patrol is only a part-time function staffed by certain officers as time, weather, and staffing permit; at the same time, personnel and training, a function that is a vital part of the department's day-to-day business, was not included as a function.

1 https://cops.usdoj.gov/LEA_accreditation

Finally, there were listings found on the department's chart that had either been moved to another area of department operations or had been eliminated from the department. For example, court services were included in the department's chart under the administration captain, yet these services are no longer managed by the department. School resource officers were listed under Operations, yet they had been moved under Community Outreach several months prior to this assessment.

FIGURE 3-3: Minot Police Department Organizational Chart (Functional, December 2023)



As noted above, this chart was compiled by CPSM, not the police department. It includes the functions that were on the department's chart, but not all functions in the department are listed. MPD should have an up-to-date and accurate organizational chart (similar to what is depicted above) on hand at all times. Organizational charts should be dated and archived when updates are made.

Recommendation:

- We recommend MPD update the departmental organizational chart to accurately depict current operations and functions. (Recommendation No. 6.)

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Overall, the number of managers and supervisors for an agency the size of MPD is appropriate for proper management and supervision. However, we do have some concerns with the management structure. There is a significant imbalance in personnel within the agency and who commands those personnel. Because most department personnel fall under "Operations," the Operations captain is tasked with significantly more oversight than the other two captains.

We believe a solution to this is to convert one captain position to a Deputy Chief/Assistant Chief position in the organization. This Deputy Chief would serve as department's number 2, and under normal circumstances, the Chief and Deputy Chief would never be away from the agency at the same time, thereby always ensuring a police leadership position is present in the city at all times. The Deputy would fall directly under the Chief on the organizational chart, and would manage the day-to-day functions of the Operations and Investigations Divisions of the department. Additionally, the department's administrative functions and professional standards would report directly to the Deputy. This structure should allow the Chief an enhanced ability to focus on community needs and external relationship building, which we believe would benefit the organization.

An additional administrative element that we see lacking in MPD is the presence of an administrative assistant. Administrative assistants perform a wide variety of tasks, organizing the administrative needs of an agency.

Agencies use these positions to maintain organizational needs and department records, take meeting minutes, and keep administrative records up to date. In MPD, the typical duties of an administrative assistant is a shared responsibility between the Chief and the various managers in the department. With this situation we often see that institutional knowledge is lost when members transfer or retire. A professional and talented administrative assistant will establish protocols and workflows that will translate to future assistants; by virtue of the job classification, administrative assistants remain in their positions far longer than police managers, who spend a majority of their career climbing the police career ladder before reaching department administration near the end of their career.

This need was apparent during our interaction with department staff. There were a number of times where questions were asked of staff, who in turn needed to confer with others on matters that should be clearly documented. Small examples included up-to-date personnel rosters, up-to-date organizational charts, the lack of meeting minutes, project assignment flowcharts, and the maintenance of personnel records. Ultimately, MPD was able to produce what we asked for but that process is far more streamlined when agencies have a professional administrative assistant on staff.

Recommendations:

- CPSM recommends that MPD convert one captain position to a deputy/assistant chief position. (Recommendation No. 7.)
- We recommend the department add an FTE administrative assistant to the department organizational structure. (Recommendation No. 8.)

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Department Staffing

The Minot Police Department is currently authorized for 84 sworn officers and 14 civilian employees. The sworn position breakdown and numbers of filled positions are noted in the following table.

TABLE 3-6: MPD Sworn Officer Staffing

Position	Authorized	Funded	Actual
Police Chief	1	1	1
Captain	3	3	3
Lieutenant	5	5	5
Sergeant	14	14	14
Sworn Officers*	61	58	52
Totals	**84**	**81**	**75**

Note: *Includes MPOs, Sr. Officers, Officers, and Detectives.

The above information was provided by MPD. It was compiled by extracting personnel information from different documents and through discussions with MPD staff to clarify information. There were discrepancies in the information that was provided by the department that required clarification. For instance, there is a document that lists all sworn personnel and some of the civilian personnel; this document shows each employee by assignment (patrol shift, detectives etc.). That document had the same personnel included two times in different places. The document did not show where the vacancies were being carried in the department, clarification on those numbers was obtained through discussions with MPD staff. There was no list that included the same information for civilian employees.

It was obvious to us that certain members of the MPD management team had the information that was needed either in memory or in various other databases and records, but it did not exist in one location / report that was simple to access. An effective way of managing this information is to have a roster of all positions in the department including vacant positions, who is occupying the position, the date of hire, and the date of their current position / rank. Another document should exist that shows the assignments of every position in the department, including where the identified vacancies are being carried.

Recommendation:

- We recommend that MPD take steps to clarify its personnel rosters and keep those rosters updated on a regular basis. (Recommendation No. 9.)

Department Budget

The following table shows the 2021, 2022, and 2023 budget figures as provided by MPD.

TABLE 3-7: MPD Budget, 2021–2023

Year	Total MPD Budget	MPD Budgeted Overtime	Actual Overtime Usage
2021	$10,183,876	$169,998	$203,431
2022	$11,438,892	$185,997	$310,742
2023	$11,944,699	$204,596	$322,120 (YTD 1/6/23)

The MPD follows a calendar-year budget. The overtime budget amount comes from general fund overtime funds available to the department. The actual overtime usage includes grant-funded overtime (reimbursable to the department) and staffing backfill that was offset by salary savings connected to unfilled positions. MPD did not exceed its overall budget amount in any of the years noted.

Professional Standards

The department's professional standards (internal affairs) function is managed by a lieutenant who reports directly to the Police Chief. All personnel complaints are routed through the professional standards lieutenant, who either investigates the matter or refers the investigation to the appropriate manager or supervisor in the department for investigation.

Personnel complaints are covered in Department Policy 1005, which states in part that the department will accept and address all complaints of misconduct in accordance with policy and the law. This policy also states that complaint forms are available in the public lobby as well as through the department website.

We tested the availability of the form, and we were able to navigate to a portal that allowed for general city complaints. It required clicking on a city link from the department's webpage and then clicking on "requests" (not apparent unless you saw those instructions on the department webpage). From requests, the user clicks on "create a request," where a login page appears. That requires a user to create an account to proceed. There is an option to "create anonymously." After several steps, we followed the prompts and came to a page that allowed for a typed entry of one's "service requests" that included a drop-down menu for police matters, including a complaint. Without completing the process to "file a complaint," we concluded that the portal appears to work as intended and meets the policy of the department.

However, the system does require several steps and may not be considered very user-friendly by many. We believe the department should also offer a form one can print directly off the department website and mail to the department. This would allow for a simpler option for many in the community who may find technology frustrating.

Recommendation:

- We recommend a printable complaint form be offered on the police department's website. (Recommendation No. 10.)

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Personnel Complaints vs Service Complaints

In reviewing the complaint matrices provided by MPD, we noticed that tracked complaints were personnel complaints in nature. None of the complaints were service-level complaints against the agency. In discussing this with the agency, we learned that there was no distinction within its process. Furthermore, if a service-type complaint were received it would likely be handled informally versus under the established personnel complaint process. Most agencies separate these types of complaints and track them separately from personnel complaints. An example found in the department records occurred earlier this year where there was a documented investigation of a citizen that "did not get the result they wanted." Three employees were listed in this investigation and the outcome stated that "no policy violation observed." This

investigation likely should have been classified as a service complaint and not a personnel complaint against department employees.

For clarification, a service complaint is when a citizen is unhappy about the service level provided by the department but does not allege misconduct by an employee. Examples might include slow response times, unhappy with an investigation outcome, etc. MPD should take steps to formalize and track service complaints made against the department. Formally tracking this metric and ensuring there is a process to investigate these concerns properly may yield management benefits by being able to recognize operational or procedural shortfalls that should be addressed.

Recommendation:

- We recommend the department take steps to separately classify, investigate, and track service complaints against the department. (Recommendation No. 11.)

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Investigative Process and Case Summaries

As noted, the professional standards lieutenant receives all complaints, assigns a case number, and distributes those investigations appropriately to an assigned investigator. Although investigations can be disseminated to other lieutenants, most are investigated by the professional standards lieutenant. For investigations that involve someone above the rank of sergeant, the investigation is assigned to a captain (in one case, the Chief conducted an investigation). Data provided by the department indicated that since 2021, the Police Chief investigated one internal case, captains handled seven cases, and lieutenants handled the balance (43) of cases investigated by the department. The department's past practice has been to not involve sergeants in internal investigations. The department should consider involving sergeants in lower-level internal investigations. Doing so on minor allegations will expose sergeants to the process, better prepare them to understand the role if/when they are promoted to lieutenant, and will allow the department to see the administrative capabilities of its sergeant workforce. At minimum, that type of exposure works to expand a supervisor's knowledge base of what to look for when they are tasked with receiving a citizen complaint.

Recommendation:

- We recommend that MPD take steps to involve sergeants in low-level internal investigations. (Recommendation No. 12.)

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We were provided a department matrix of complaints investigated by MPD since 2021. The matrix included the date the complaint was received, the nature of the complaint, the source of the complaint (internal/external), the file number, redacted employee names, who the investigation was assigned to, and what the outcome of the investigation was determined to be. This matrix was developed internally and intended to provide a quick snapshot of open and past investigations. On the surface, the matrix may serve its intended purpose, but looking more closely at the report, we see inconsistencies that may not meet the policy intent of the department.

For instance, not all cases had sensible file numbers. Most had a sequential number that should be aligned with an IA process, some had no number and had a note that it was referred to a lieutenant in patrol (unknown if an investigation was even done), and others had what appears

to be a crime report number from a different source. Not all of the entries had an outcome and none of the cases had a close date. Therefore we don't know if or when the investigation was completed.

The department should audit all internal cases for the past three years and complete the matrix to ensure all cases were appropriately investigated and closed. Future records should include the close date.

Recommendation:

- MPD should conduct an audit of all internal investigations going back three years to ensure all investigations were completed as required by policy. (Recommendation No. 13.)

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The department's internal tracking mechanism for complaints and other reporting areas, such as the use of force tracking, is done on department-generated spreadsheets. This is not unusual for agencies in the size range of MPD. Large police agencies have been forced to develop more sophisticated tracking procedures to ensure accuracy, consistency, and completeness. Many agencies in the size category of Minot have been able to adjust accordingly and incorporate tracking in a more rudimentary form because the volume of incidents and cases is not as high. The existing spreadsheets and investigations are on a shared department drive with access limited to all department managers.

However, we have highlighted some problematic areas in MPD's tracking documents and observed some similar concerns in other internal reports. There are off-the-shelf software programs that MPD could use for tracking all aspects of complaints and investigations. Software platforms such as IA Pro[2] offer solutions that can streamline the process and provide operational insight into areas of MPD's operations that need to be addressed.

These programs will digitally track and store all cases and evidence associated with internal investigations. They can be used to categorize cases, provide summary reports, provide reminders and alarms when cases have been open too long, and provide a tracking mechanism of who has accessed a case file. Additionally, data such as use of force incidents, pursuits, employee injuries, etc., can all be tracked on these platforms, which provides department leadership insights into employee performance or concerns that should be addressed.

MPD should perform an assessment of the products available for this purpose and determine what platform works best for the department. MPD should improve its internal tracking and reporting and have better control over file access, regardless of the platform used.

Recommendation:

- CPSM recommends that MPD explore off-the-shelf software solutions for tracking and maintaining internal investigations and other personnel matters. (Recommendation No. 14.)

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2. We are not promoting any one product; IA Pro is used as an example since the author is familiar with the workflow of this program. Other similar products exist, and MPD should perform its own evaluation.

SECTION 4. ADMINISTRATION

The Minot Police Department's administrative commander is a police captain who oversees the following department functions:

- Community Outreach.
- School Resource Officers.
- Property and Evidence.
- Records.
- Personnel, Training, Hiring.

The existing organizational chart also lists the municipal court function under the administrative commander, but this function was moved under the city manager in early 2023. The existing organizational chart has not been updated to reflect this change.

With the municipal court being moved out of this division/department, the administration division has the fewest direct reports in the department. We suggest the functions of this division should be merged into other areas of department operations and/or the proposed Deputy Chief, as outlined in this report.

COMMUNITY OUTREACH

The MPD organizational chart has a section titled Community Outreach. The section includes one "administrative sergeant" and one community outreach officer. Currently, one of the police officer vacancies in the department is being held within this unit, leaving one sergeant to fulfill the department's community outreach efforts.

In our discussions with MPD about community outreach efforts, we learned that limited proactive community outreach is taking place, largely a byproduct of the department culture and because of limited staffing dedicated to the effort. The department will intentionally host one to two "coffee with a cop" events per year and plan efforts around events such as National Night Out and other opportunities that may present themselves. Outside of those efforts, the remaining official outreach involves responding to community requests to be present at community discussions about policing issues or for a specific request, such as a police station tour. In this case, the community outreach sergeant may solicit other members of the department to assist.

The department also employs a civilian position that manages community messaging through traditional public information officer duties and social media engagement. This employee shares their work time between the police and fire departments and largely works out of an office in City Hall. In reviewing the department's social media posts on Facebook, it appears that as of late, there are regular posts occurring that balance crime news and positive "get to know your police department" type posts. The Facebook contributors include the PIO mentioned above and the administrative sergeant managing community outreach.

We also learned that the expectations of other employees throughout the department in relation to community outreach were mixed. The patrol workload was deemed to be too busy to allow for engagement beyond the calls they were dispatched to handle, and culturally, many in those other assignments felt that community outreach was more of the responsibility of

the community outreach unit (i.e., one sergeant) rather than a collective effort of all employees. This is not to imply there is any lack of professionalism in the department as officers interact with the public, just an observation of ownership of "community outreach" responsibilities.

This report will have some recommendations designed to realign some staffing within the agency to allow for a greater personnel investment within "community outreach." However, we believe the department is missing an opportunity for better community interaction, and improvements should be made. Specifically, there should be a better understanding of how all employees play a critical role in community outreach and engagement and that all employees have that responsibility within their work expectations. This should be done through an outline of department expectations as well as training on what the department expects, including examples of desirable conduct and ownership of engagement and outreach efforts.

Recommendation:

- We recommend that MPD enhance overall community engagement with training afforded to employees on expectations of community engagement and interaction. (Recommendation No. 15.)

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Additionally, the department told us it desires to have the police officer position that is assigned to community outreach permanently moved to patrol and have the community outreach coordination function done by a civilian employee. This function is commonly performed by civilian employees in police organizations nationwide and this change would serve the department well.

RECRUITMENT, HIRING, AND TRAINING

The MPD administrative sergeant who manages community outreach spends most of her workday dedicated to the department's recruitment, hiring, and training process. These functions are not outlined on the department's organizational chart. One may argue that the current organizational chart is more aligned with identifying personnel and their chain of command; however, in reality, it outlines many units and functions that do not have FTE employees (CSRU, Bomb, SWAT, Bike Patrol, etc.).

Recommendation:

- We recommend that recruitment, hiring, and training functions be denoted on the department organization chart. (Recommendation No. 16.)

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MPD engages in a hiring process that, per the department, is defined and limited by the city's civil service rules. The department will have three to four recruitment periods per year during which it accepts applications. Once that application period closes, it will process those applicants through various traditional policing hiring processes. Prospective employees who successfully pass the process and are offered employment with the department enter into an internal training program that the department manages.

The internal training program consists of in-house classroom training provided by MPD employees and is followed up by the field training program. Police officers, at some point, will leave the MPD training program within their first year on the job to attend a state-certified academy. In our

experience, most departments around the country will first send a new police officer to an academy before allowing them to enter into a field training program and serve as a sworn police officer. However, we understand that MPD and the State of North Dakota have a dynamic different from many states, and there are simply limited academy training dates and classes available, thereby necessitating the current practice. We agree with MPD's approach of ensuring that all new employees attend their in-house program before working in uniform on the streets.

MPD cited concerns over its inability to garner a larger pool of candidates and reach "full staffing." In discussions with the department, we found it believes it has identified many issues and where it may be falling short in recruiting. For instance, the Air Force base and the university should be fertile recruiting grounds. Many of the current employees of the department have come from one of these recruitment feeders. However, the department cited COVID-19 as a disruptor in the Air Force recruitment program, and the relationship it previously enjoyed with the university is not as strong as it has been.

From an outside perspective, we see some structural issues that might be hindering the department's efforts. For instance, the primary employee who runs these programs and recruiting efforts is the administrative sergeant. Her time and efforts are stretched thin with her multiple responsibilities. The function is important, yet, as noted before, it does not appear on the department organizational chart, and at best it is an ancillary responsibility within the department's day-to-day business.

We have already suggested that one captain (administration) be upgraded to a Deputy Chief position. Making this change should allow for that Deputy Chief to handle most day-to-day business, thereby allowing the Police Chief to focus on certain external relationships, such as with the Air Force and the university, to improve those recruitment programs. We also believe the department should consider merging the professional standards lieutenant with the administrative functions of the department. The IA function itself is not that busy and the lieutenant position appears to have excess capacity that could be better utilized elsewhere. There is a natural relationship between the training function and the professional standards of a department. For efficiency, the functions could be merged, thereby adding capacity to both functions.

Finally, the department does not have a streamlined process for lateral applicants that may present themselves outside of the traditional recruitment periods. MPD cited the civil service process as being the hinderance that does not allow it to separately process and expedite those applicants through the hiring / training process. The department did not have data available on how many laterals may become available at any given time outside the recruitment period or how many it may be losing because of the internal process. But we believe there should be a process for those applicants that already have attended a state academy and can be expedited into an FTO program. MPD should ensure that this is possible.

Recommendation:

- CPSM recommends that MPD explore the various changes to the recruitment and training efforts outlined in our conclusions. (Recommendation No. 17.)

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SCHOOL RESOURCE OFFICER PROGRAM

MPD has a relationship and MOU with the local school district for school resource officers. In our review of the program we did not determine any issues of concern and it appears that the best practices are in place (including a funding component from the school district). Currently, the SRO program is supervised by the administrative sergeant. This is a recent structural change that has more to do with her relationship with the program (past SRO herself) and less to do with where the SROs may be best positioned within the department structure.

We have made structural recommendations that would impact the administrative division of the department. If the department follows those recommendations we believe the SRO program should be moved back to operations.

PROPERTY & EVIDENCE SECTION

Property management is one of the most important jobs in the entire police operation. Increased drug law enforcement, the use of DNA testing, and other developments have greatly complicated the task of logging, tracking, storing, and inventorying evidence in recent years. The two biggest challenges in operating a property room are avoiding occurrences of mismanagement and incidents such as missing monies or drugs that appear to indicate corruption. To oversee the property function effectively, managers must understand the management procedures, be aware of the liabilities, and continually search for ways to improve the system. Property rooms are usually overcrowded, so unnecessary items should be purged regularly. Safeguards include proper packaging, lockers, and security measures. Computer software and other technology are available to automate parts of the property management system. Police agencies should also have clear policies and procedures regarding property room management. The intake, processing, storage, and disposal of evidence and property are important and high-risk functions of any law enforcement agency. It is especially true for weapons, narcotics dangerous drugs, currency, and jewelry.

Police agencies across the country regularly face consequences of mismanaged property and evidence sections, and which result in terminations and arrests of police employees, from janitors to police chiefs, for thefts of narcotics, cash, jewelry, guns, and other items of value. In some cases, audits that revealed unaccounted-for property and evidence have led to the termination of police executives, though they were not suspected of being implicated in the theft/loss of the evidence. Controlling access to the property and evidence areas, inventory control, and regular audits are critical to the effective management of the property and evidence function to ensure community trust and confidence.

National organizations such as the International Association of Police Chiefs, the U.S. Department of Justice, and the International Association for Property & Evidence (IAPE) offer reports, training, and other material to ensure a high quality of professional standards in property & evidence sections. During this assessment, CPSM found several areas of concern regarding the storage and condition of the MPD's Property and Evidence (P&E) Section. Although these issues are not directly related to the current management or oversight by the evidence technician or the Command staff, MPD will need to address several issues that can lead to larger risk management issues if not properly handled soon.

Staffing and Operation

Property and Evidence (P&E) is under the command of the Criminal Investigations Division captain; staffing includes one full-time police sergeant, one master officer position, and one

professional staff technician. Each of these positions is also assigned responsibility for the administrative functions of the Records Unit. The P&E Unit administrator is the current police sergeant who recently transferred to the P&E assignment. While CPSM understands MPD's need to assign sworn personnel to P&E during this transitional period for operational improvements and enhancements, a long-range strategic plan should be developed. CPSM recommends MPD develop a strategic plan for the P&E Unit and begin to transition sworn personnel to a trained civilian property and evidence administrator. This approach is highly suggested by the Police Executive Research Forum (PERF) as well as IAPE as a contemporary and modern approach to property and evidence management.

The operational hours of P&E are from 8:00 a.m. to 4:30 p.m. and appointments are made as needed for the public. In case of an emergency after hours, the P&E sergeant or master officer is available for response. This process is not memorialized in any official documents or authorities. CPSM recommends an after-hours and emergency process be documented in the Lexipol policy system for organizational reference.

Policy & Administrative

Policies for the Property and Evidence Section govern general procedures, such as how officers book evidence and property into the system. MPD's Lexipol policies guide property room management as well as how evidence is processed into the evidence room. We found related policies were properly up-to-date and reflected current minimum law enforcement standards; however, higher industry standards are recommended to prevent future evidence-related issues from occurring. In support of the Lexipol policies, the property room custodian has created a usable and well-prepared "how to" manual that meets industry standards.

CPSM recommends that MPD continue to develop the section manual as a usable guide for P&E personnel. CPSM also recommends that MPD ensure that all members assigned to the P&E Unit become formal members of the IAPE and use IAPE's available resources set to continue to update and expand the section property manual. By achieving these objectives, the evidence technician can offer industry-standard recommendations for the command staff as well as develop proven methods to resolve property-related issues that emerge.

Industry-standard administrative and operational functions are a core principle for P&E sections; MPD utilizes the Tyler RMS that integrates into other department domains such as "Evidence.com." Axon's "Evidence.com" can create an audit trail of every single action around digital evidence; however, currently, MPD does not utilize this function.

During CPSM's query of various functions in P&E, some relevant information was readily available, while some was not. The evidence technician primarily uses the records management system (RMS) to track, manage, and purge evidence and limits the use of off-shelf products or the need to use Excel spreadsheets to manage property. MPD's approach is a national standard that is highly recommended, as many police departments often use off-shelf products.

We found the RMS offers a property and evidence management feature, and it is effective in managing evidence/property as well as activity reports. CPSM recommends MPD consider developing a "Property Staff and Activity Report" to measure productivity. IAPE can provide guidance on developing an activity report that meets the standards expected of a P&E section. The report should include data on P&E requests, discovery, lab runs, destruction/purging, property intake, clerical activities, and staffing. It was evident that the MPD has produced usable reports and systems; however, considering the need to exceed minimum standards, MPD should enhance its P&E audit and report systems.

The most pressing need in Property and Evidence is to hire and train permanent personnel and to provide assistance when there is only one evidence technician. CPSM recommends MPD consider preparing part-time (sometimes retired personnel) evidence technicians to provide the extra effort to improve systems and provide "back-up" for the current evidence technician. During this assessment, it was determined the P&E/Records staff spend about 70 percent of time managing the property and evidence room and another 30 percent overseeing the Records Unit and other responsibilities. It would benefit MPD to evaluate the need for additional personnel to divide the responsibilities between the workgroups.

The department should develop a formalized system to ensure all the evidence technicians are trained annually in critical topical areas and adequately document the training. This will ensure that industry standards will continually be sought to avoid potential problems.

Audits

MPD is not under state POST mandates or internal timelines to conduct audits and reviews of P&E; however, the current P&E staff has recently conducted inventories in order to legally destroy adjudicated case evidence, re-package items, and reorganize several of the six areas of property and evidence storage. There are no recent audits that CPSM was able to review nor any written guidelines on how the process is to be conducted. However, the P&E Unit is conducting ongoing, in-depth reviews and assessments. CPSM conducted a physical walk-through of the various property storage areas and viewed photographs taken before the current effort to reorganize P&E. There was a notable improvement in how evidence is processed, stored, and managed. CPSMs found that the current approach to managing the P&E Unit meets industry standards as recommended by IAPE, PERF, and IACP; however, there is a need to continue the current effort to improve operations, administrative systems, and storage.

It is recommended that the MPD develop an audit schedule annually or bi-annually that produces an administrative report of activity. The audit report should consider the following suggested items:

- Intake, recording, and storing all property booked by police employees.
- Safeguarding property.
- Releasing evidence to detectives for court.
- Releasing property to the public.
- Missing or misplaced items.
- Destruction plan for evidence and property.
- Compliance with state law and policy regarding the disposition and purging of property.
- Evaluation of ventilation and proper storage of chemicals and other hazardous item.

Security & Physical Assessment

MPD's P&E has video cameras installed in the main evidence storage area and the evidence processing area where officers have access to the two-way locker system to book and store property 24 hours a day. The current staff was unable to answer questions as to whether the cameras were operational or how the system was managed. CPSM recommends that MPD develop a written procedure or Lexipol update that provides an overview of the system and how it is managed. The equipment is positioned in areas that are expected and would record any improper behavior or performance issues when entering and exiting the property room.

However, it was unknown at the time of CPSM's visit if the cameras were operational or where saved videos are maintained. It is recommended that MPD follow the IAPE recommendation and ensure a 24-hour monitoring video system for when personnel enter the storage areas, with recordings maintained for up to two years.

The physical property rooms include the following areas of storage:

- The main property room allows officers to package and store items in two-way lockers that connect to a secured area, with an access door combination code for P&E staff to enter and process evidence.
- A secondary storage area of secured guns and drugs to include a separate area for marijuana evidence.
- A secured area in the "SWAT Bay" for evidence and long-term evidence storage.
- Two secured evidence refrigerators for sexual assault evidence, blood items, and other evidence that needs to be refrigerated.
- An off-site, outside storage area for larger items, with the capability to temporarily store hazardous items and fireworks.

Having various locations for evidence storage is not recommended by CPSM or other national organizations such as IAPE. CPSM understands that MPD is currently conducting a workplace study regarding workspace, storage, and potential structural upgrades. CPSM recommends that MPD complete the study and initiate a process to reduce the number of property storage locations. As an example, the evidence refrigerators can be relocated into the main property intake area, allowing both officer and P&E Unit personnel access. CPSM recognizes this approach cannot be undertaken until the workspace study is completed in 2024.

The International Association of Property and Evidence (IAPE) provides valuable training and technical support for guidance in building a professional and secure security and video monitoring system. IAPE's website features links to sample policies and procedures as well as additional resources to improve security. As an example, CPSM was required to check in or out at any of the entry points to the various property rooms. CPSM recommends a written check-in and check-out signature board at the entry/exit points of the main property rooms.

The door to the property room does not require any authentication to access and the door is not designed to withstand forced entry. MPD should upgrade its systems to provide for double authentication for entry. The evidence room lacks a gun safe to store guns and narcotics; however, the security conditions of the property room with security doors and videos prevent unauthorized entry or removal of property. However, this issue remains a concern. In the rear of the property room there is a large open container with rifles and other long guns stored in the area.

Based on IAPE best practice recommendations, it is preferred to have a secured and ground-bolted gun, monies, and narcotics safe for higher level security and storage. It is recommended that MPD consider the purchase and installation of a commercial-grade safe to store all firearms. The P&E room was safe from dangerous chemicals, fireworks, and other dangerous items and, per policy, these items are required to be safely and securely stored in the evidence garage. CPSM inventoried the evidence garage and found the area to be safely secured, with the proper precautions to avoid health issues. The property room faces a challenge with the backlog of found and safekeeping items and this has produced a storage space issue for the MPD.

MPD has taken initial steps to resolve this issue and should be commended for its current effort. As the workspace project is finalized the storage space issue will need to be rectified with the new design system. The room was previously overcrowded and it was hazardous to access needed evidence. The current storage and space design has reduced overcrowding and the potential for work-related injuries. It is recommended that MPD seek professional assistance and when appropriate purchase a design storage system that will reduce the backlog and create open space in a legal and proper method. This will reduce the chances of misplaced items, increase the ability to track and locate evidence, and guard against workplace injuries.

Overall, without significant improvement in property purging, the department will likely see maxed-out storage space in two to three years. Fortunately, MPD has taken significant steps over the past six months to improve storage space by relocating evidence and purging items. Unfortunately, during the CPSM visit, the P&E staff was unable to supply a report of property checked in, items processed into the P&E area, or the amount of overall property disposed of per year. CPSM highly recommends the MPD utilize the capabilities of the RMS to develop a regular monthly report that documents incoming and outgoing items and how many items are disposed of each month. This approach is highly recommended by IAPE and will reduce liability exposure while improving risk management.

The internal system tracks items temporarily checked out for court purposes and the property custodian manually tracks items released for court purposes. The manual process ensures accountability, but the MPD should begin to build a barcoded system under the current RMS system for improved long-term accountability.

Currently, MPD is pursuing methods to improve space, tracking of evidence, and auditing but the efforts are limited until the workspace project is completed.

CPSM recommends MPD strongly consider a temporary task force comprised of (trained) personnel to conduct a complete audit of the property room and dispose of unneeded items. Space must be freed up in the property room and there must be a more organized system to intake property and evidence. It is also recommended that MPD seek out a formal property room audit through IAPE once the workspace project is completed in 2024.

Property and Evidence Section Recommendations:

- CPSM recommends MPD develop a strategic plan for the P&E Unit and begin to transition sworn personnel to a civilian property and evidence administrator and evidence technicians. (Recommendation No. 18.)
- CPSM recommends an after-hours and emergency process be documented in the Lexipol policy system for organizational reference. (Recommendation No. 19.)
- CPSM recommends that MPD continue to develop the section manual as a usable guide for P&E personnel. CPSM also recommends that MPD ensure that all members assigned to the P&E Unit become formal members of the IAPE and use IAPE's available resources to continue to update and expand the P&E manual. (Recommendation No. 20.)
- CPSM recommends MPD consider developing a "Property Staff and Activity Report" to measure productivity. IAPE can provide guidance on developing an activity report that meets the standards expected of a P&E section. (Recommendation No. 21.)
- CPSM recommends MPD consider using part-time (sometimes retired personnel) as evidence technicians to provide the extra effort to improve systems and provide "back-up" for the current evidence technician. (Recommendation No. 22.)

- It is recommended that the MPD develop an audit schedule annually or bi-annually that produces an administrative report of activity. (Recommendation No. 23.)
- CPSM recommends that MPD complete the workspace project and initiate a process to reduce the number of property room storage locations. (Recommendation No. 24.)
- CPSM recommends a written check-in and check-out signature board at the entry/exit points of the main property rooms. (Recommendation No. 25.)
- It is recommended that MPD seek professional assistance and when appropriate purchase a design storage system that will reduce the backlog and create open space in a legal and proper method. This will reduce the chances of misplaced items, improve the ability to track and locate evidence, and guard against workplace injuries. (Recommendation No. 26.)
- CPSM highly recommends MPD utilize the capabilities of the RMS to develop a regular monthly report, documenting incoming and outgoing items, and how many items are disposed of each month. This approach is highly recommended by IAPE and will reduce liability exposure while improving risk management. (Recommendation No. 27.)
- CPSM recommends MPD strongly consider a temporary task force comprised of part-time (trained) personnel to conduct a complete audit of the property room and dispose of unneeded items. (Recommendation No. 28.)
- MPD should seek out a formal property room audit through IAPE once the workspace project is completed in 2024. (Recommendation No. 29.)

RECORDS

The MPD Records Unit is the central repository of incident, traffic accident, and related reports and reviews; the unit also classifies incident reports according to the FBI National Incident-Based Reporting System (NIBRS) standards. The MPD's Records Unit falls under the command of the Criminal Investigations Division.

TABLE 4-1: MPD Records Unit Staffing, 2023

Rank	Authorized	Actual	Vacant
Records Sergeant	1	1	0
Records Specialist Supervisor	1	1	0
Records Master Officer	1	1	0
Police Specialists/Technicians	4	4	0
FOIA Clerk	1	1	0
Total	**8**	**8**	**0**

Source: MPD Records Staffing

Policy and Structure

The Records Unit functions as a support unit for the Minot Police Department. All incident reports written by officers are entered into a computer system and maintained by state law. The Records Unit is responsible for all records functions, criminal warrant files, police statistical data, and preparation of police reports.

The Records Unit is properly structured with personnel trained to review and classify police reports while classifying incidents by the National Incident Reporting System (NIBRS). Records also

includes a Freedom of Information Act (FOIA) clerk to process all incoming requests made by the public as well as by the judicial system.

CPSM noted the records policy exceeds national expectations and the procedural manual maintained by the Records Unit provides a foundation to encourage professional growth. CPSM also noted that the Records Unit is mostly digital and does not file or store hard copies of reports or other documents. This is an achievement most police agencies never attain.

The structure of the Records Unit includes sworn positions at the sergeant and master officer ranks. It is recommended that MPD begin to develop a multi-year plan to transition the sergeant and master officer positions to professional (civilian) staff to oversee the Records and the Property and Evidence Units. The integration of professional staff will reduce costs and enable MPD to repurpose these sworn personnel to more essential operational positions. MPD may consider developing the positions as administrators and managers who can oversee the Records and Property & Evidence Units.

Work Schedules & Public Access Hours

Records Unit personnel work a five-day workweek that covers Monday through Friday with a schedule of 8:00 a.m. to 4:30 p.m.

The regular (public) operating times are from 8:00 a.m. to 4:30 p.m.

Records Duties & Processing Volume, 2021–2023

The Records Unit maintains statistical recordkeeping that is consistent with contemporary law enforcement agencies in the United States. CPSM reviewed the Records Unit's procedures, management, and report filing. We found a growing pace of incidents including police report entries and public information requests. MPD Records does not track the number of police reports, incoming phone calls, or the number of public counter visitors to MPD for various requests such as obtaining copies of reports, taxi permits, vehicle-related reports, or other public services. CPSM recommends MPD use its RMS and other systems to develop a monthly statistical report on the total tasks the Records staff perform. This will assist the MPD in estimating proper staffing levels and other trending issues related to performance.

Information on MPD Records Unit tasks for 2021, 2022, and 2023 is limited to the data found in the following table.

TABLE 4-2: Records Unit Work Volume, 2021–2023

	2021	2022	2023
Incident Reports	38,085	38,180	39,180
FOIA Requests	3,049	3,268	3,064

Source: Minot Police Records Unit

CPSM found that the total number of FOIA requests exceeds typical levels for a department the size of Minot Police Department. FOIA requests have increased over the past several years. The MPD should be concerned with the growing number of FOIA requests increasing each year, specifically the number of requests by the District Attorney Officer and defense attorneys. MPD utilizes one defined digital evidence technician to complete duties related to body-worn camera video and in-car video content as well as all FOIA requests. CPSM recommends MPD continue its cross-training efforts to enable additional personnel to perform FOIA duties. CPSM also recommends MPD consider part-time personnel to assist with the FOIA requests.

There is a vast array of duties performed in police records units that can be overwhelming. The table above reflects a limited view of the total annual activity as well as the average number of these tasks per category. CPSM found that the Record's staff is performing a high level of daily records tasks, but MPD does not track the entirety of these daily efforts. Some agencies choose to assign specific duties to individual employees who serve as specialists and perform those duties. MPD attempts to cross-train personnel to assist in other areas. CPSM strongly supports the current approach by MPD to cross-train the Records staff to achieve the outcomes identified in this report.

The duties performed in Records include the following:

- Review and process citations and incident reports.
- Conduct criminal history checks and background checks.
- Answer telephone calls related to the operation of the records.
- Handle walk-in customers at the front desk.
- Organize and maintain reports in various databases.
- Respond to document, video, and/or photographic image requests from the public and law enforcement/criminal justice community.
- Accept fees for vehicle releases, copies of reports, and taxi licenses.
- Prepare morning paperwork, including affidavits from officers, served warrants, and citations to be sent to municipal court and city attorneys.
- Monitor and respond to requests received through the agency's central email box
- Respond to requests for the release of various documents/tapes/ photographs as required under the Public Records Act (PRA).
- Receive and distribute incoming and outgoing mail.
- Merge and review officer entries from the Enterprise Law Enforcement Mobile program to the internal tracking program.
- Prepare statistical reports monthly.
- Dictate officers' narratives and statements.
- Enter orders of protection manually into the RMS.
- Create and print taxi licenses.
- Warrant processing, entering, and dismissing of warrants.

The MPD does not use a self-service model (online) reporting system. Such a system enables citizens to make a report over the telephone for any past offense that does not require an officer to go to the scene. These types of services are becoming more common in police departments and are considered a best practice in decreasing the need for patrol officers to respond to specific types of "report-only" calls for service. CPSM recommends the MPD consider an online reporting system to decrease the need for patrol officers to respond to "report-only" calls for service.

The department's records management system, commonly referred to as the Tyler Technology system, allows officers to upload their reports from the in-car computers directly into the records

management system through wireless transmission. The RMS increases officers' in-car access to updated information and speeds up the tracking of items turned in as property or evidence.

Nationally, challenges with RMS products are being experienced by contemporary law enforcement organizations; however, MPD has overcome similar challenges by integrating the RMS system into daily operations.

- MPD regularly migrates the CAD data into the RMS system for effective statistical reports and trend identification.
- MPD has a regional dispatch center and has fully integrated the RMS system into the regional platform for other police agencies to utilize.
- MPD's successful integration allows the ability to obtain CFS trends and fully integrate data for CompStat and other crime-fighting strategies when needed.

The challenge for MPD is ensuring ongoing training for all personnel and ensuring a continued reduction in off-shelf products and Excel spreadsheets to manage data. MPD serves as a model for utilizing its RMS system in administrative and operational data reports.

CPSM recommends MPD increase training and develop skill levels among the records technicians to advance the usage of the RMS. MPD should establish an in-house training system to meet mandated training requirements for all new Records personnel by using a training matrix of skill development. It is also recommended that the Records management and supervisors use national organization membership to participate in webinars and learn new contemporary methods that may help solve current and future challenges. As an example, the National Association of Government Archives and Records Administration (NAGARA) offers membership, training, conferences, and webinars for municipal records management staff and frontline professionals to advance their skill sets.

FBI UCR Reporting / Clearance Rates

Annually, the Federal Bureau of Investigation produces a Uniform Crime Report (UCR) that provides comprehensive crime and other law enforcement data for agencies across the country. This data is provided by states after each state collects and processes data received from local agencies. CPSM maintains that while preventing a crime is of utmost importance to any law enforcement agency, solving crime should have parity. The solving of crimes which results in the prosecution of offenders not only prevents future crime, but it also provides much-needed closure to crime victims.

Clearance rates, as defined and measured by the FBI Uniform Crime Report (UCR), are the benchmark for a department's effectiveness in solving crimes. MPD has maintained accurate and industry-standard-level reporting mechanisms for crime and clearance rates. In addition, the FBI has transitioned from its traditional UCR reporting to a more comprehensive model, the National Incident-Based Reporting System (NIBRS) and MPD has also made the transition. Many U.S. police departments have not made the transition for various reasons, and this is another positive example of the diligent work performed by MPD's Records Unit.

Overall, the MPD Records Unit is functioning at a positive level of professionalism and operational excellence that is not attained by departments of equal size. However, it should be noted that the number of tasks and operational tempo are quickly increasing, and the size of the Records Unit may need to be expanded in the coming years. CPSM recommends MPD consider hiring part-time records personnel to offset the increasing workload and increase the current number of full-time staff.

It is notable that in CPSM's review of the Records staff, the number of task items is steadily increasing, yet the staff has not allowed a backlog of entries or shown an inability to perform the volume of work. This is not the case in most agencies, as backlogs are growing and becoming a challenge for records units. MPD's Records staff has also been able to integrate Tyler Technologies with no interface issues reported with other internal systems.

Records Unit Recommendations:

- It is recommended that MPD begin to develop a multiyear plan to transition the sergeant and master officer positions to professional (civilian) staff to oversee the Records and the Property and Evidence Units. (Recommendation No. 30.)
- CPSM strongly supports the current approach by MPD to cross-train the Records staff to achieve the outcomes identified in this report. (Recommendation No. 31.)
- CPSM recommends MPD use its RMS and other systems to provide a monthly statistical report on the total tasks the Records staff perform. (Recommendation No. 32.)
- CPSM recommends the MPD consider an online reporting system to decrease the need for patrol officers to respond to "report only" calls for service. (Recommendation No. 33.)
- CPSM recommends MPD increase training and develop skill levels among the records technicians; MPD should establish an in-house training system to meet mandated training requirements for all new Records personnel by using a training matrix. (Recommendation No. 34.)
- It is recommended that Records supervisors use national organization membership to participate in webinars and learn new contemporary methods that may help solve current and future challenges. (Recommendation No. 35.)
- CPSM recommends MPD consider hiring part-time records personnel to offset the increasing workload and increase the current number of full-time staff. (Recommendation No. 36.)

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SECTION 5. OPERATIONS

The most visible members of most police departments in America are officers assigned to uniformed patrol functions. Patrol is considered the "backbone" of American policing. Bureau of Justice Statistics indicates that nearly all police departments in the U.S. in the same size category as the Minot Police Department provide uniformed patrol. Patrol commands the largest share of resources committed by the department. It is critical for the allocation of patrol resources to be focused on having officers available to respond to calls for service and provide law enforcement services to the public.

Staffing decisions, particularly for patrol, must be based on actual workload. Once the actual workload is determined the amount of discretionary time is determined and then staffing decisions can be made consistent with the department's policing philosophy and the community's ability to fund it. The MPD's philosophy is to address essentially all requests for service from the community. This is typically done in a reactive style of policing based on the demands for police services. MPD does engage in some community policing initiatives such as Coffee with a Cop; Citizens Police Academy; and National Night Out. However, team members observed that patrol personnel do not generally see community policing efforts as part of their job duties. Most believe proactive policing involves making traffic stops or drug arrests. Effective community policing is an organizational philosophy and not a program. The balance among reaction to calls for service, community policing, and proactive patrol strategies is best accomplished when officers have ongoing training opportunities to broaden their understanding of modern policing best practices. We recommend that MPD establish a training matrix for patrol officers and sergeants that includes the benefits of patrol officers being proactively engaged with the community at all levels.

Understanding the actual workload (the time required to complete certain activities) requires review of the total reported events within the context of how the events originated. This includes events originating through directed patrol, administrative tasks, officer-initiated activities, and citizen-initiated activities. The charts and tables in this section outline this information.

Understanding the difference between the various types of police department events and the resulting staffing implications is critical to determining deployment needs. This portion of the study looks at the total deployed hours of the police department with a comparison to the current time spent to provide services.

The "Rule of 60" can be applied to evaluate patrol staffing. This rule has two parts. The first part states that 60 percent of the sworn officers in a department should be dedicated to the patrol function (patrol staffing) and the second part states that no more than 60 percent of their time should be committed to calls for service, which includes all activities that occupy an officer's time, including calls from the public, self-initiated work, and administrative tasks. This commitment of 60 percent of their time is referred to as the *Patrol Saturation Index*.

The Rule of 60 is not a hard-and-fast rule, but rather a starting point for discussion on patrol deployment. Resource allocation decisions must be made from a policy and/or managerial perspective through which costs and benefits of competing demands are considered. The *Patrol Saturation Index* indicates the percentage of time dedicated by police officers to public demands for service and administrative duties related to their jobs. Effective patrol deployment would exist at amounts where the saturation index was less than 60 percent.

The Rule of 60 for patrol deployment does not mean the remaining 40 percent of time is downtime or break time. It is a reflection of the extent that patrol officer time is saturated by calls for service. The time when police personnel are not responding to calls should be committed to management-directed operations. This is a more focused use of time and can include supervised allocation of patrol officer activities toward proactive enforcement, crime prevention, community policing, and citizen safety initiatives. It will also provide ready and available resources in the event of a large-scale emergency.

From an organizational standpoint, it is important to have uniformed patrol resources available to undertake activities such as proactive enforcement, community policing, and emergency response. Patrol is the most visible and available resource in policing, and the ability to harness this resource is critical for successful operations.

From an officer's standpoint, once a certain level of CFS activity is reached, the officer's focus shifts to a CFS-based reactionary mode. A reactionary mode shifts a patrol officer's mindset from one that looks for ways to deal with crime and quality-of-life conditions in the community to one that continually prepares for the next call. After saturation, officers cease proactive policing and engage in a reactionary style of policing. The outlook becomes "Why act proactively when my actions are only going to be interrupted by a call?" Any uncommitted time is spent waiting for the next call. MPD personnel advised CPSM team members during peak demand times they shift to a reactionary mode.

RULE OF 60 – PART 1

According to the MPD's personnel data, patrol is authorized 55 sworn officers (2 Lieutenants, 9 sergeants, and 44 Police Officers). These 55 of the approximately 84 sworn officers represent **65 percent** of the sworn officers in the Minot Police Department. When CPSM team members were onsite, MPD had approximately seven vacancies in the patrol division.

This part of the "rule" is not hard-and-fast. Taken on its face, however, this part of the "rule" must be considered when examining the operational elements of the department when staffing recommendations are taken into consideration. The data presented by the department indicates that overall authorized staffing is just above the 60 percent recommendation. This does not imply that fewer people as a percentage should be assigned to the patrol function, it merely shows that the department is assigning an appropriate number of officers to the function.

RULE OF 60 – PART 2

The second part of the "Rule of 60" examines workload and discretionary time and suggests that no more than 60 percent of time should be committed to calls for service. In other words, CPSM suggests that no more than 60 percent of available patrol officer time be spent responding to the service demands of the community. The remaining 40 percent of the time is the "discretionary time" for officers to be available to address community problems and be available for serious emergencies.

It is CPSM's contention that patrol staffing is optimally deployed when the saturation index (SI) is in the 60 percent range. An SI greater than 60 percent indicates that the patrol manpower is largely reactive and overburdened with CFS and workload demands. An SI of somewhat less than 60 percent indicates that patrol manpower is optimally staffed. SI levels much lower than 60 percent, however, indicate patrol resources that are underutilized.

Departments must be cautious in interpreting the SI too narrowly. One should not conclude that SI can never exceed 60 percent at any time during the day, or that in any given hour no more

than 60 percent of any officer's time be committed to CFS. The SI at 60 percent is intended to be a benchmark to evaluate overall service demands on patrol staffing. When SI levels exceed 60 percent for substantial periods of a given shift, or at specific times during the day, then decisions should be made to reallocate or realign personnel to reduce the SI to levels below 60 percent.

Resource allocation decisions must be made from a policy and/or managerial perspective through which costs and benefits of competing demands are considered. The patrol saturation index indicates the percentage of time dedicated by police officers to public demands for service and administrative duties related to their jobs. Effective patrol deployment would exist at amounts where the saturation index was less than 60.

The CPSM data analysis in the second part of this report provides a rich overview of CFS and staffing demands experienced by the Minot Police Department. The analysis here looks specifically at patrol deployment and how to maximize the personnel resources of the department to meet the demands of calls for service while also engaging in proactive policing to combat crime, disorder, and traffic issues in the community.

WORKLOAD ANALYSIS

The following section represents workload, staffing, and the "saturation" of patrol resources in the MPD during the two months (seasons) on which we focused our workload analysis. The figures represent the manpower and demand during weekdays and weekends during the period of January 4, 2023, to February 28, 2023 (winter) and July 7, 2023, to August 31, 2023 (Summer). Examination of these figures permits exploration of the second part of the Rule of 60.

FIGURE 5-1: Deployment and All Workload, Weekdays, Winter 2023

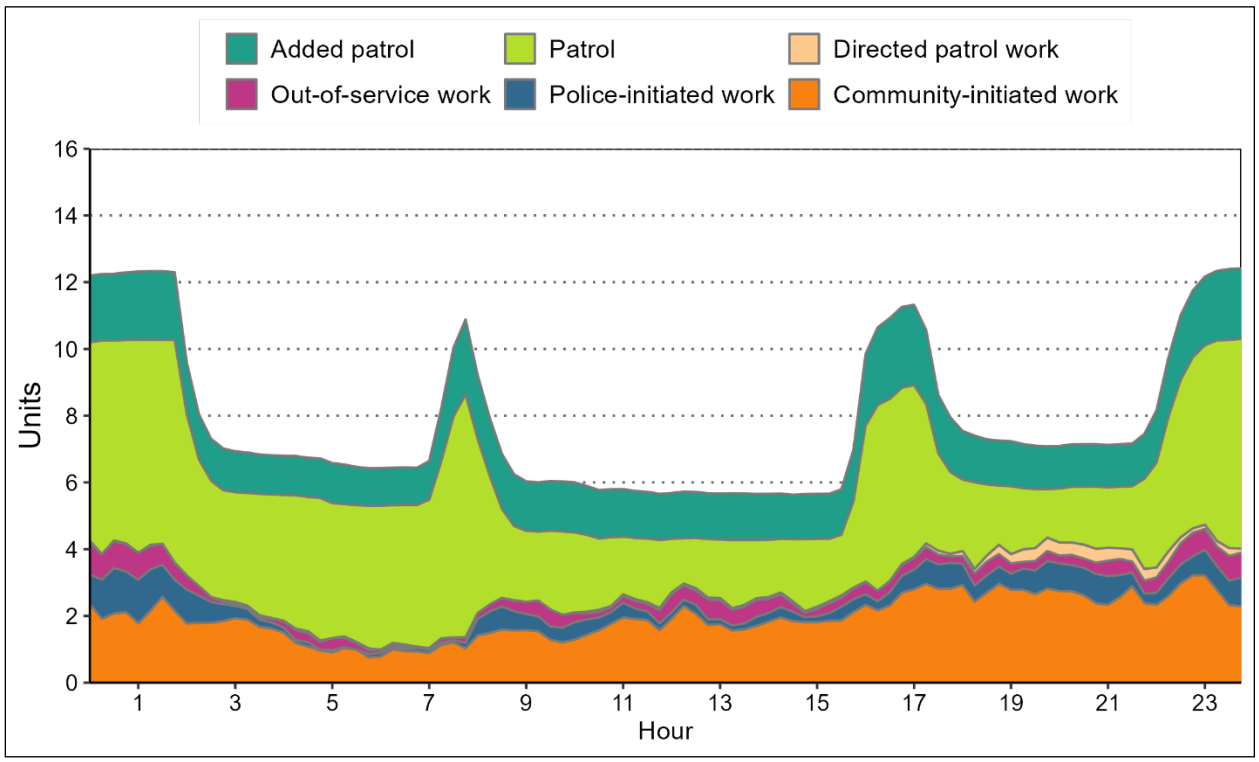
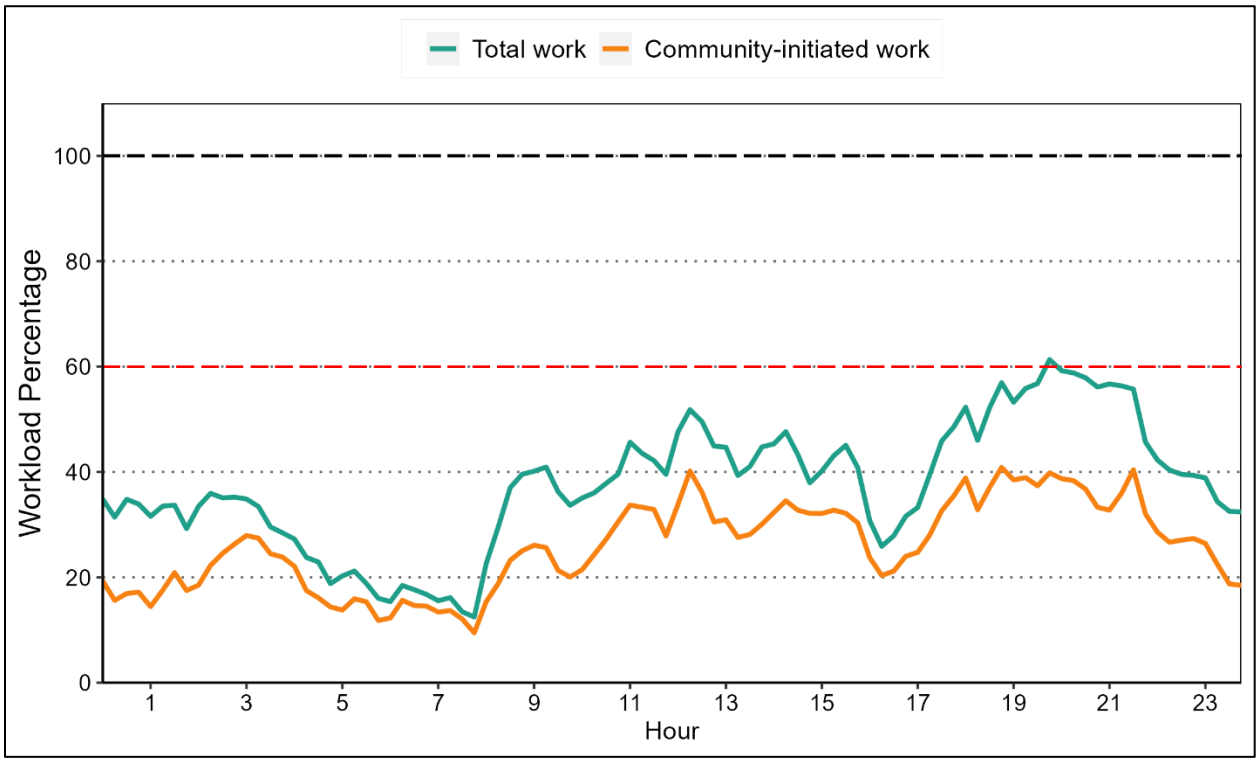


FIGURE 5-2: Percentage of Workload, Weekdays, Winter 2023



Workload v. Deployment – Weekdays, Winter

Avg. Deployment	7.8 officers per hour
Avg. Workload:	2.9 officers per hour
Avg. % Deployed (SI):	37 percent
Peak SI:	61 percent
Peak SI Time:	7:45 p.m.

The figures above and the following figures on workload represent a great deal of data. The "Deployment and All Workload" figures show the relationship of all on-duty police officers that were factored into the workload analysis and what work is represented by those officers throughout the course of the day. For weekdays in winter, average deployment throughout the day was 7.8 officers. The average saturation index (SI) was 37 percent, and the peak SI was 61 percent at 7:45 p.m. These figures would suggest that MPD was optimally deployed on the weekdays during the winter months in 2023.

Now for the remainder of the remaining workload figures for the periods analyzed.

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FIGURE 5-3: Deployment and All Workload, Weekends, Winter 2023

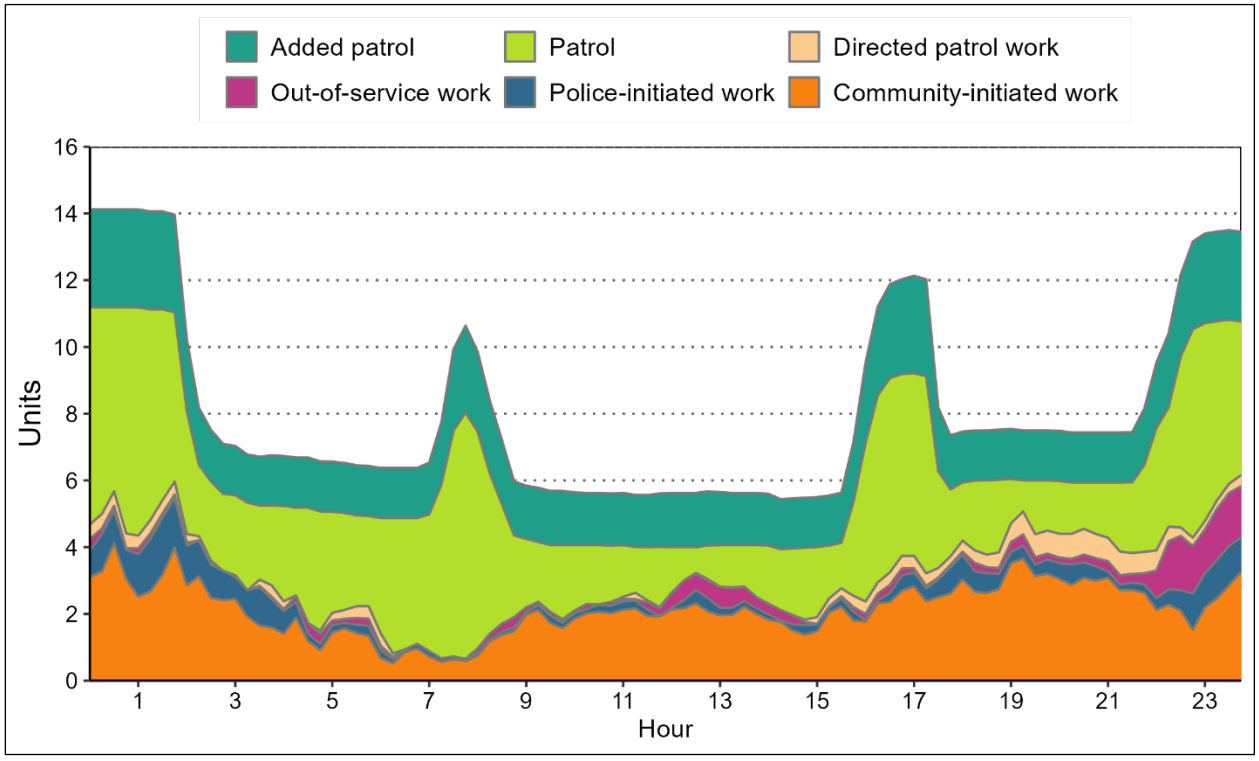
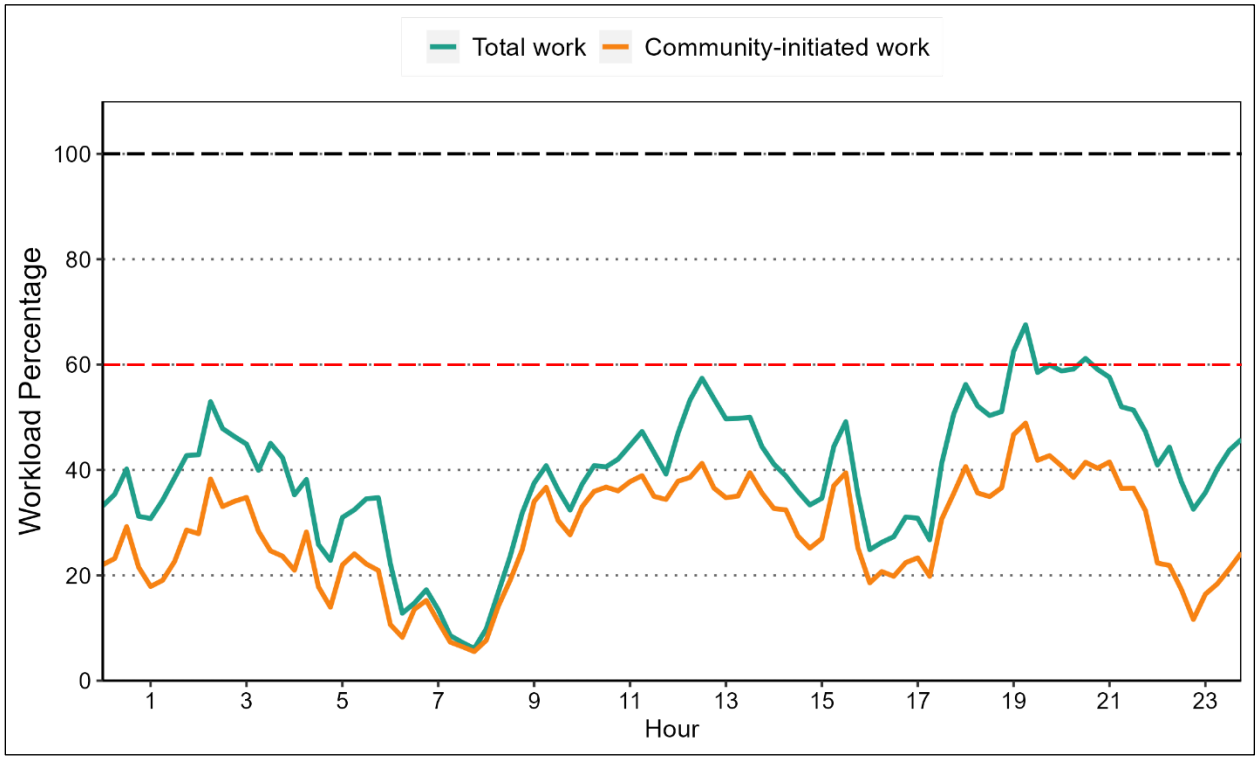


FIGURE 5-4: Percentage of Workload, Weekends, Winter 2023



Workload v. Deployment – Weekends, Winter

Avg. Deployment: 8.1 officers per hour
Avg. Workload: 3.1 officers per hour
Avg. % Deployed (SI): 37 percent
Peak SI: 68 percent
Peak SI Time: 7:15 p.m.

FIGURE 5-5: Deployment and All Workload, Weekdays, Summer 2023

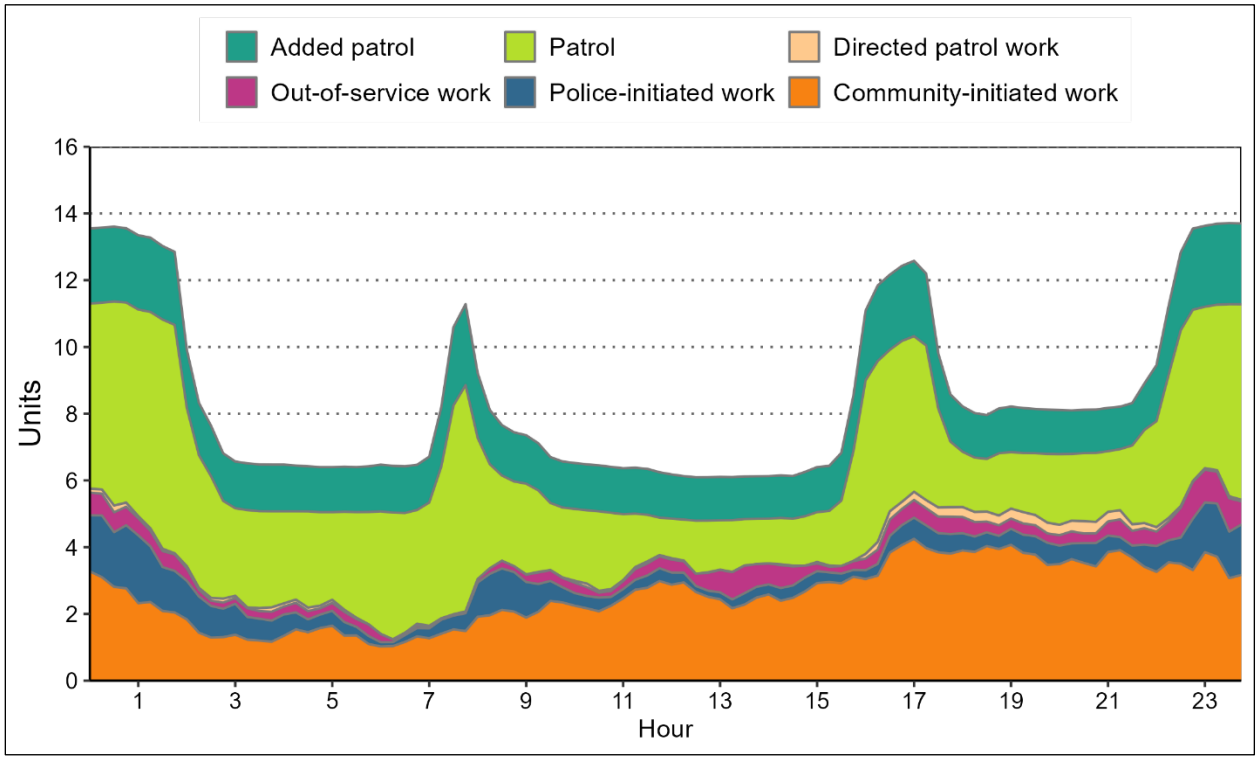


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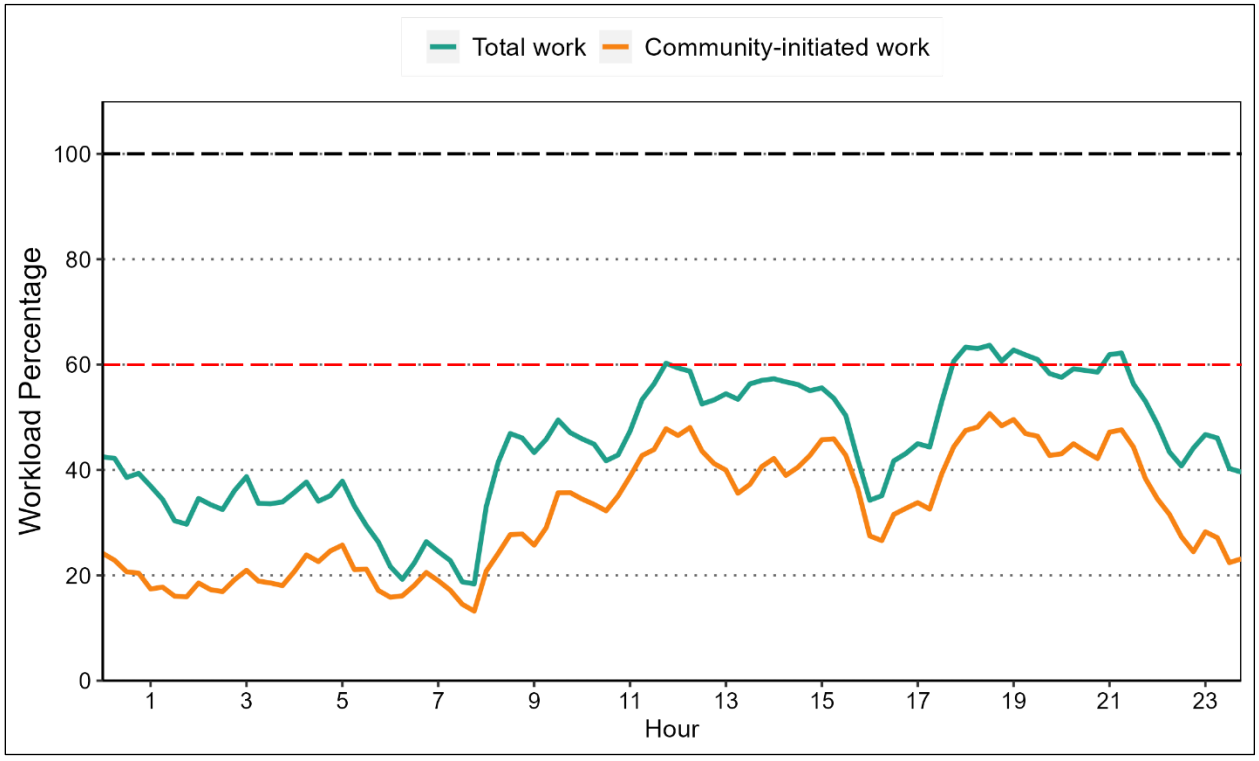
FIGURE 5-6: Percentage of Workload, Weekdays, Summer 2022



Workload vs. Deployment – Weekdays, Summer

Avg. Deployment:	8.5 officers per hour
Avg. Workload:	3.7 officers per hour
Avg. % Deployed (SI):	44 percent
Peak SI:	64 percent
Peak SI Time:	6:00 p.m.

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FIGURE 5-7: Deployment and All Workload, Weekends, Summer 2022

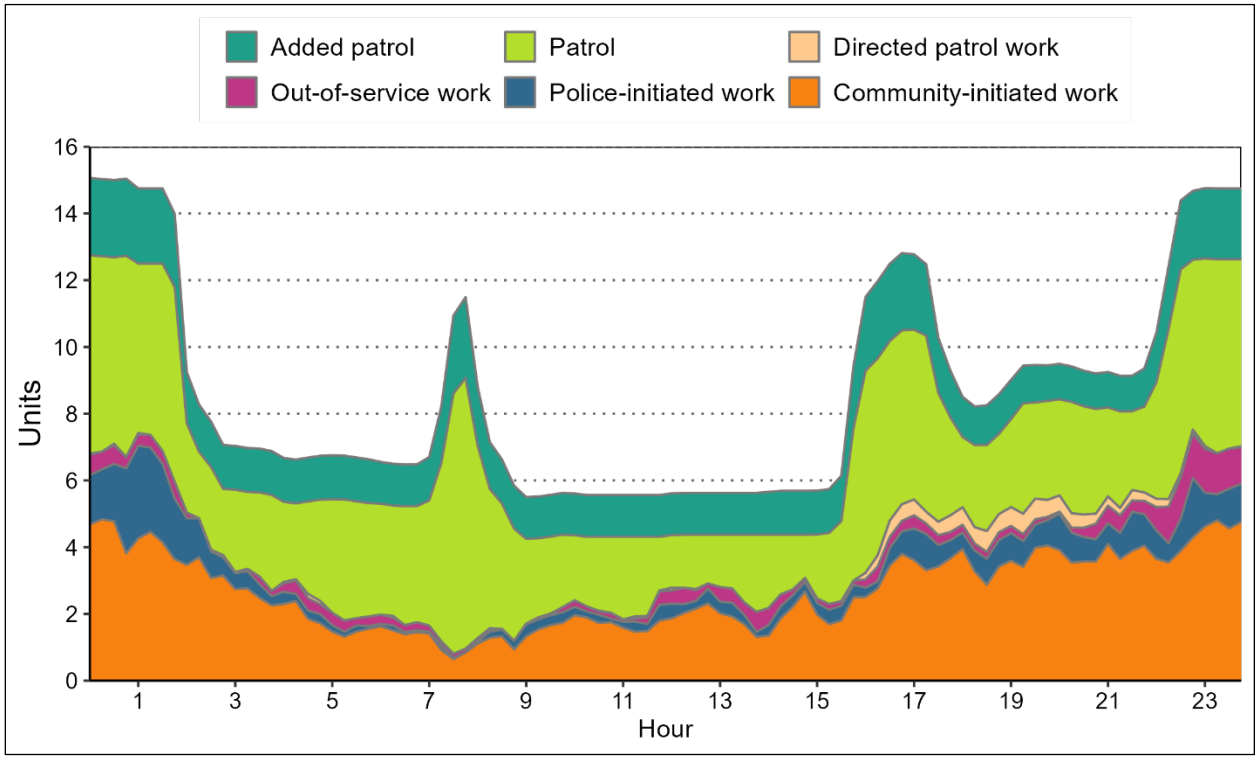
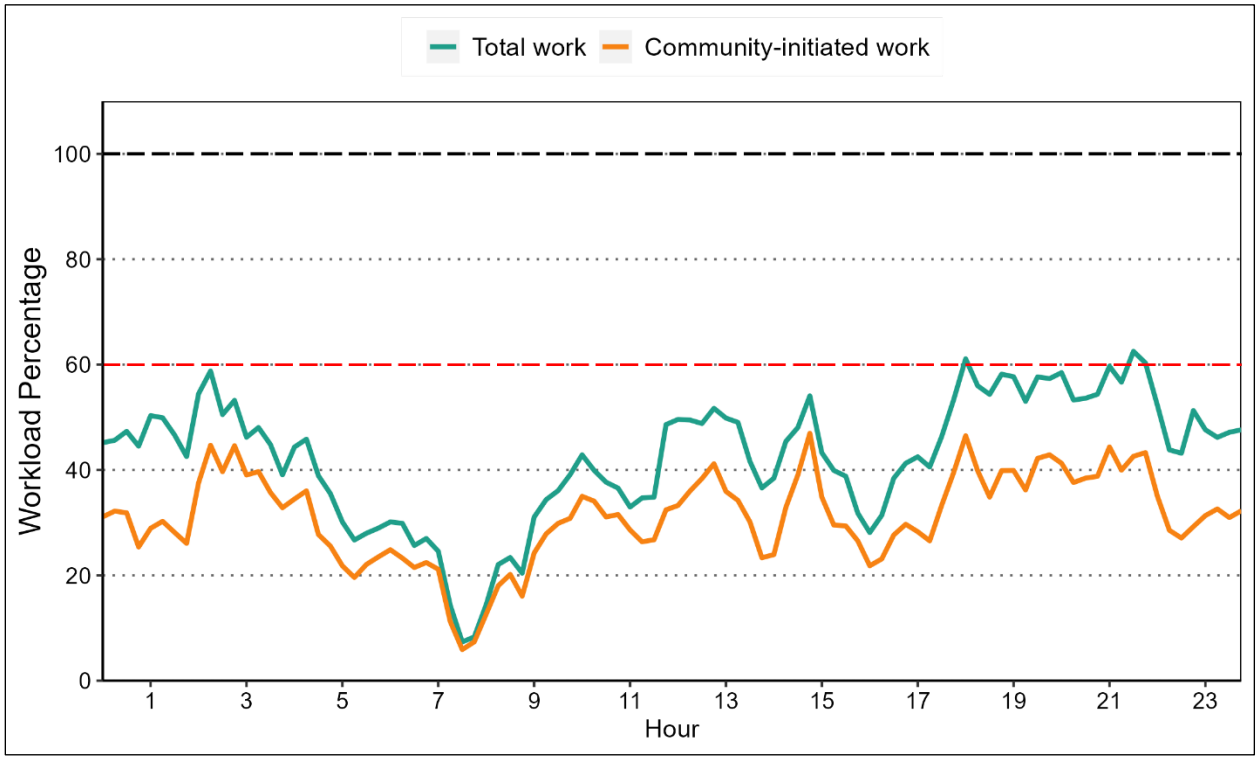


FIGURE 5-8: Percentage of Workload, Weekends, Summer 2022



Workload v. Deployment – Weekends, Summer

Avg. Deployment:	8.7 officers per hour
Avg. Workload:	3.8 officers per hour
Avg. % Deployed (SI):	43 percent
Peak SI:	63 percent
Peak SI Time:	9:30 p.m.

Observations:

Winter:

- Community-initiated work:
  - During the week, the workload reached a maximum of 41 percent of deployment between 6:45 p.m. and 7:00 p.m. and between 9:30 p.m. and 9:45 p.m.
  - On weekends, the workload reached a maximum of 49 percent of deployment between 7:15 p.m. and 7:30 p.m.
- All work:
  - During the week, the workload reached a maximum of 61 percent of deployment between 7:45 p.m. and 8:00 p.m.
  - On weekends, the workload reached a maximum of 68 percent of deployment between 7:15 p.m. and 7:30 p.m.

Summer:

- Community-initiated work:
  - During the week, the workload reached a maximum of 51 percent of deployment between 6:30 p.m. and 6:45 p.m.
  - On weekends, the workload reached a maximum of 47 percent of deployment between 2:45 p.m. and 3:00 p.m. and between 6:00 p.m. and 6:15 p.m.
- All work:
  - During the week, the workload reached a maximum of 64 percent of deployment between 6:00 p.m. and 6:15 p.m. and between 6:30 p.m. and 6:45 p.m.
  - On weekends, the workload reached a maximum of 63 percent of deployment between 9:30 p.m. and 9:45 p.m.

As indicated earlier, the figures and data represented above are from two 8-week periods during winter and the summer of 2023; the data is broken down by weekdays and weekends. In evaluating the workload against the available staffing in the MPD patrol division it "appears" the division is properly staffed.

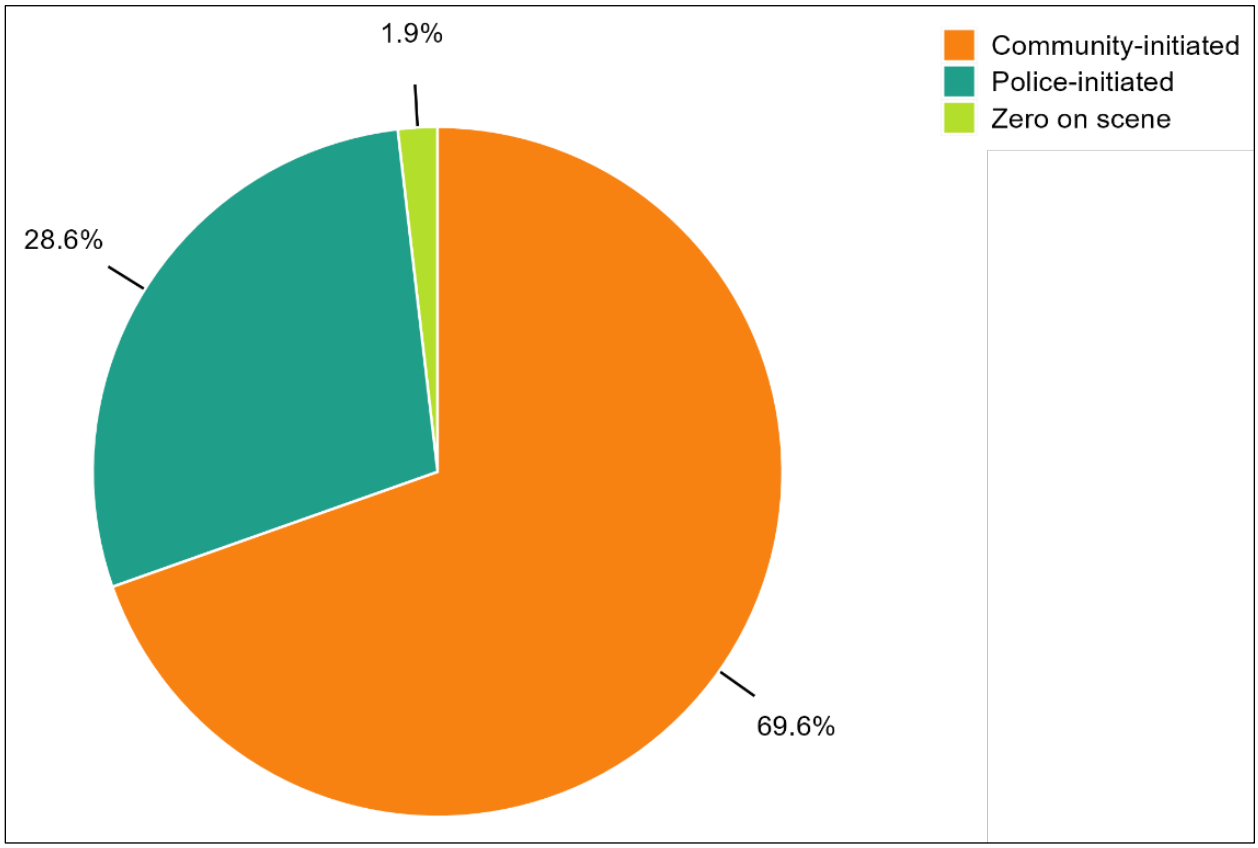
We know from conducting assessments involving departments throughout the country that these workload numbers do not represent all work being done in the department. Police culture by its very nature does not encourage 100 percent accounting of an officer's time. Beat integrity is a cultural element in all departments and beat integrity encourages officers to be available to handle any service call or crime report in their area of responsibility. As a result, officers tend to remain "available" in the department's CAD system and not record all activity such as report writing and other administrative tasks.

It is important to point out that the data that CPSM used to create the above figures was based entirely on information from the computer-aided dispatch (CAD) records. The importance of officers accurately tracking their time cannot be understated. If Minot desires to move into the direction of being a data-driven department and to staff according to real workload, then the real workload must be measured.

Minot PD, like many departments, has its officers voice dispatch themselves whenever they are involved in any activity. This is done so that other officers hear it on the radio and are aware of where their colleague is working and what they are doing. It is deemed a basic safety principle for officers. However, along with that safety protocol, many departments have established protocols where officers can place themselves on a call within their mobile data computer (MDT) in the patrol car to alleviate unnecessary radio traffic. These are all best practice decisions for the agency.

Regardless of what MPD elects to do we encourage it to ensure that all officer activities are accurately captured in CAD. Additionally, not just enforcement work or citizen contact should be captured but administrative time should also be tracked. Examples of administrative time would be meal breaks and report writing when those reports cannot be tracked within the original call. MPD indicated to CPSM team members that all activities of officers are accurately captured in the CAD. Observations by team members during the site visit supported this. We compliment MPD for using best practices in tracking officer activities.

FIGURE 5-9: Percentage Events per Day, by Initiator



Note: Percentages are based on a total of 32,206 events.

TABLE 5-1: Events per Day, by Initiator

Initiator	No. of Events	Events per Day
Community-initiated	22,413	61.4
Police-initiated	9,197	25.2
Zero on scene	596	1.6
Total	**32,206**	**88.2**

Observations:

- 2 percent of the events had zero time on scene.
- 29 percent of all events were police-initiated.
- 70 percent of all events were community-initiated.
- There was an average of 88 events per day or 3.7 per hour.

The above data shows the percentage of activity occurring daily within MPD. As can be seen there is an average of 61.4 calls for service per day that are initiated by the community (calls into dispatch either through the business line or through 911) representing nearly 70 percent of all workload while officer-initiated activity (primarily traffic stops) represent 28 percent of all workload, or 25.2 calls per day. The zero on-scene category are simply CAD entries that amounted to so little time that they were largely excluded from the analysis.

In many cases with other agencies, we see officer-initiated and community-initiated ratios that are similar to the Minot data. It is common for officer-initiated activity to represent approximately 30 percent of the workload while community-initiated activity typically commands a much larger percentage of an officer's total workload.

The following table and figure further break down the daily events experienced by MPD. The emphasis on traffic-related stops and enforcement plus the directed patrols mentioned in the workload section above are detailed.

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FIGURE 5-10: Percentage Events per Day, by Category

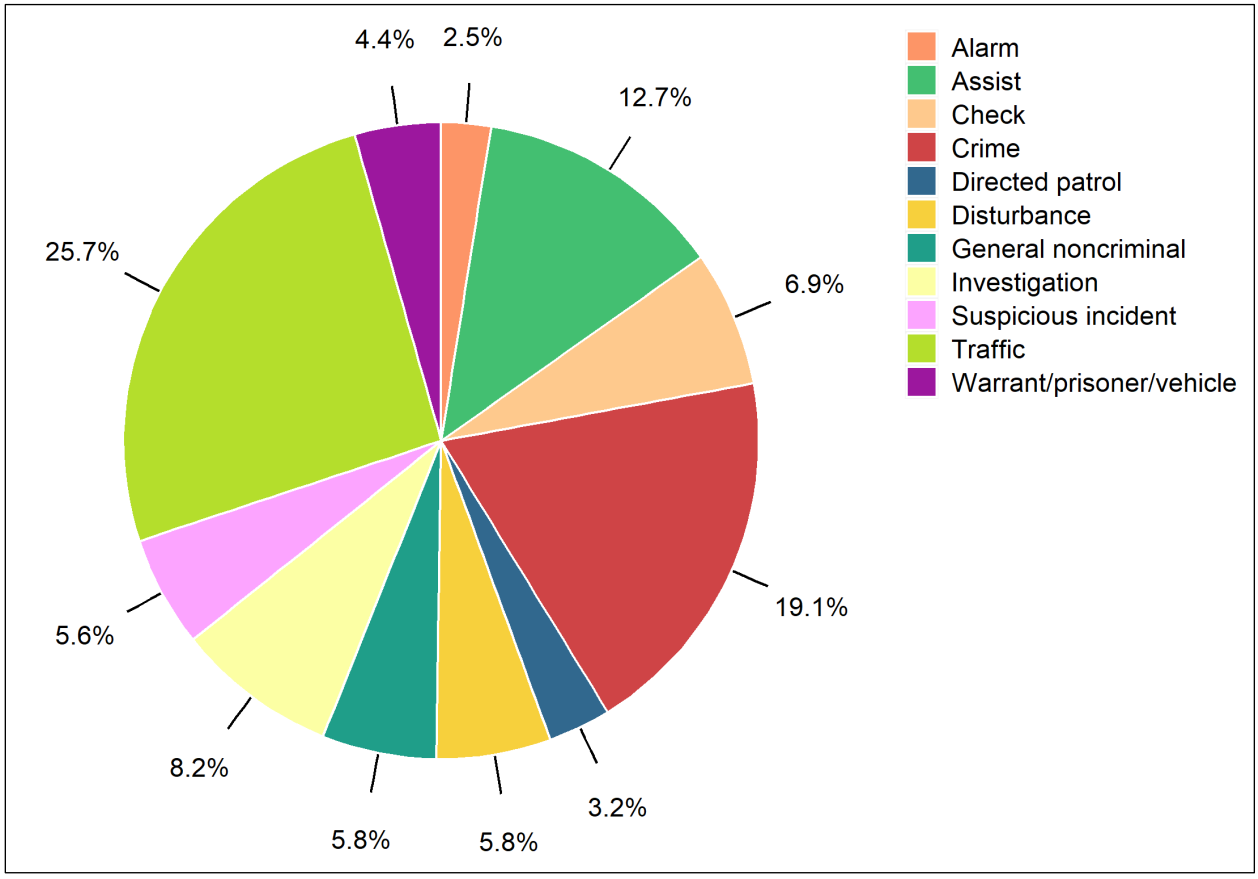

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TABLE 5-2: Events per Day, by Category

Category	No. of Events	Events per Day
Accident	1,234	3.4
Accident–criminal	372	1.0
Alarm	810	2.2
Animal call	632	1.7
Assist other agency	1,769	4.8
Assist public	2,322	6.4
Crime against persons	1,186	3.2
Crime against property	1,742	4.8
Crime against society	2,057	5.6
Directed patrol	1,029	2.8
Disturbance	1,875	5.1
Investigation	2,637	7.2
Juvenile	780	2.1
Mental health	131	0.4
Miscellaneous	335	0.9
Special check	314	0.9
Suspicious incident	1,817	5.0
Traffic enforcement	1,674	4.6
Traffic enforcement–criminal	799	2.2
Traffic stop	5,369	14.7
Warrant/prisoner/vehicle	1,417	3.9
Welfare check	1,905	5.2
Total	**32,206**	**88.2**

Observations:

- The top three categories accounted for 58 percent of events:
  - 26 percent of events were traffic-related.
  - 19 percent of events were crimes.
  - 13 percent of events were assists.

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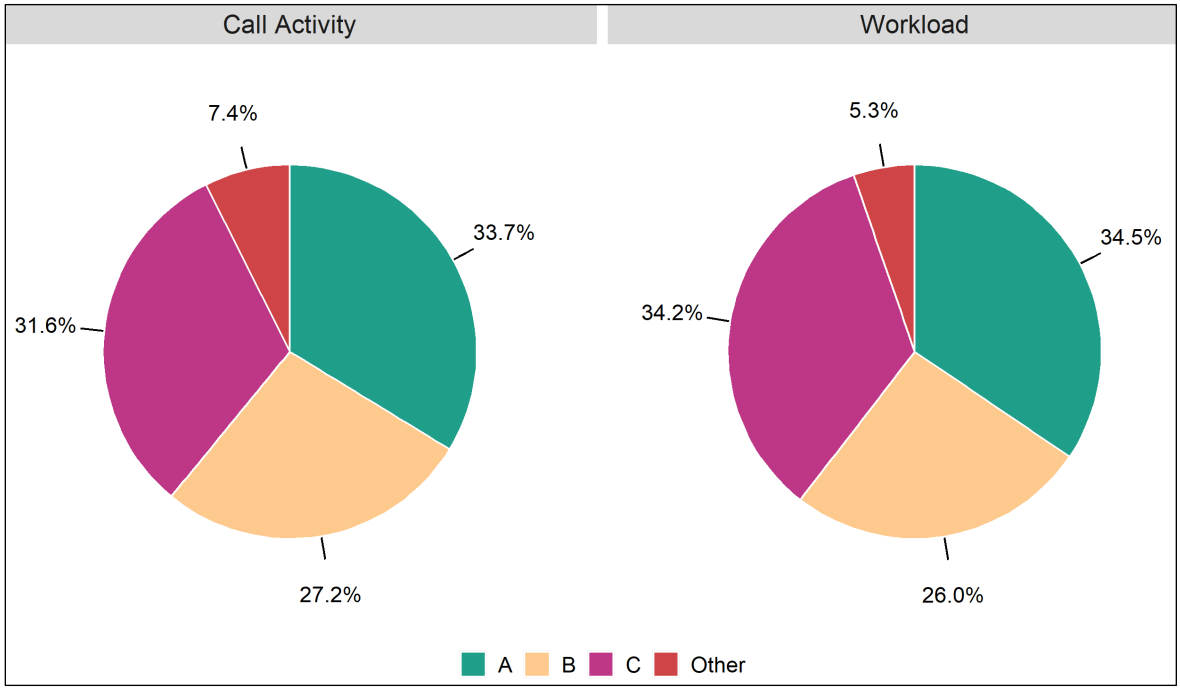
POLICE BEATS AND WORKLOAD DISTRIBUTION

The Minot Police Department divides the city into three beats. Beat A is the northern half of the city. Beats B and C divide the southern half of the community. The 'beats' are historical in nature; they are large by municipal policing standards. Call volume is comparable among the beats, with Beat A generating the most calls for service by a small margin compared to Beat C. Patrol command staff advised team members they do not typically utilize all three beats to deploy staff, but rather assign officers to either north (Beat A) or south (Beat B/C). This actually makes the beats exceptionally large when treated as just two for the entire community for deployment purposes. Additionally, it impacts the ability to garner detailed statistics for smaller quadrants of the community, such as specific neighborhoods. Analysis of crime and other statistics allow for improved strategic deployment of patrol resources to address specific problems.

Many law enforcement agencies divide a community into smaller beats or divide up larger areas of the city into reporting districts (RDs) to allow for data-driven decisions to address crime and other public safety issues. Having large beats for deployment as MPD does can increase response times due to officers gathering in one area of the larger geographic north or south deployment or tending to roam the entire larger area. Beat integrity refers to officers remaining in their assigned beat or geographic area. It is an integral part of effective patrol deployment and enhances response times.

Minot State University (MSU) is located in the city limits of Minot. MSU does not have its own police department and relies on the Minot Police Department for police services. MSU does have a security department comprised of 10 security officers. The security officers handle patrol of the campus. Criminal calls and investigations are referred to MPD.

FIGURE 5-11: Percentage Calls and Work Hours, by Beat



Note: The "other" category includes calls at headquarters, miscellaneous beats, and calls missing beats. About 94 percent of calls in the miscellaneous category were in beat "P2," which is the Ward County Sheriff's Office beat in the Minot area.

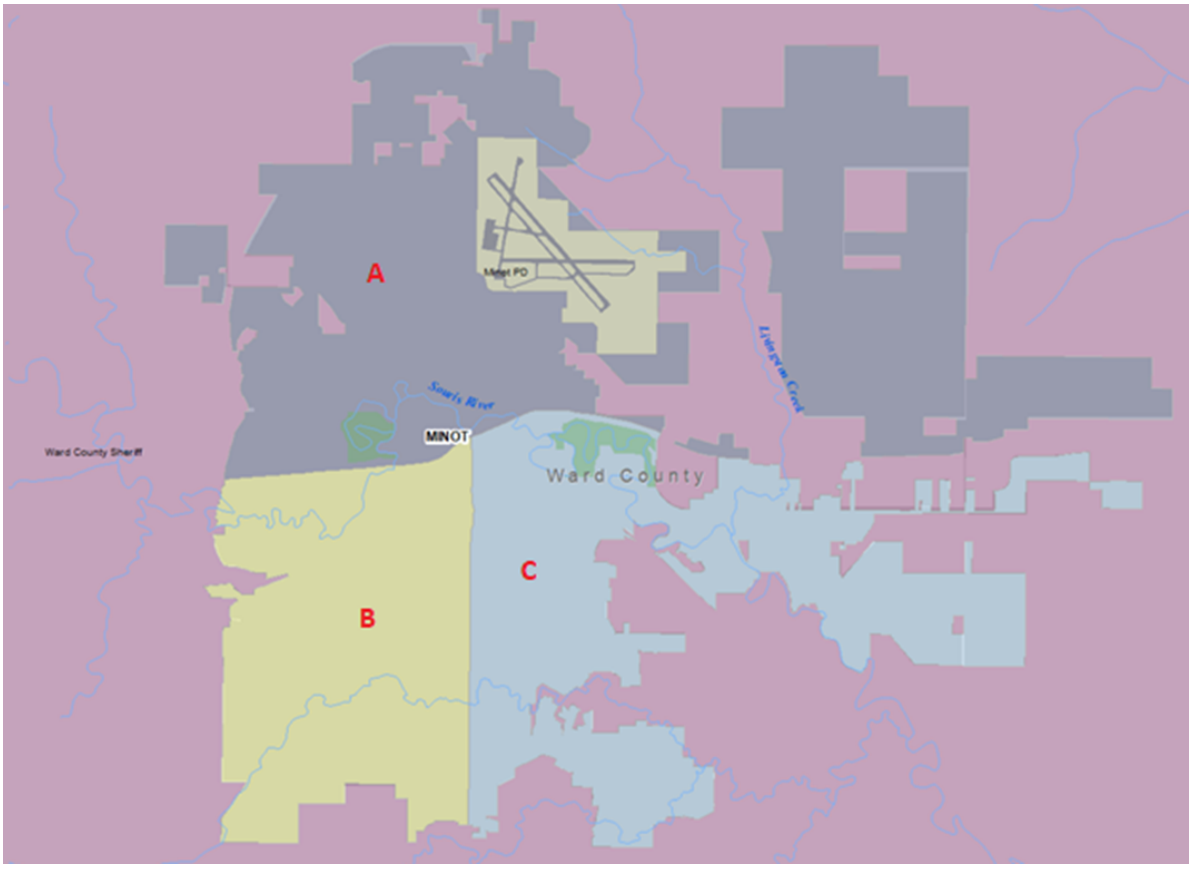
TABLE 5-3: Calls and Work Hours by Beat, per Day

Beat	Per Day	
	Calls	Work Hours
A	28.3	23.6
B	22.8	17.8
C	26.5	23.4
HQ	4.0	2.2
Miscellaneous	1.7	0.9
Unknown	0.5	0.5
Total	**83.9**	**68.5**

Observations:

- Beat A had the most calls, which accounted for approximately 34 percent of total calls.
- Beat A and C had larger workloads than beat B, with each accounting for approximately 34 percent of the total workload.

FIGURE 5-12: MPD Beats



We believe that MPD should restructure its beat boundaries and increase the number of beats to make them smaller and more manageable. We also suggest that within those beats, smaller areas be broken down into separate reporting districts. Considering the area that Minot

encompasses and the call volume, Minot could easily be broken down into six to eight beats, with multiple reporting districts within those beats.

It is important to point out that a "beat" does not imply that a single officer must always be assigned that beat 24-7. A beat should be thought of as a geographic area that is manageable in size and that allows for patrol resources to be optimally deployed throughout a wider jurisdiction. Beat integrity becomes a cultural and policy expectation that officers remain in their geographic area unless priority service needs arise to have them leave that area. Ideally, beats would be designed to have reasonably similar workload and calls.

The existing three-beat configuration does not allow the department to strategically assign officers to specific areas where crime or public safety issues are prevalent. Smaller beats can also improve response time (see note below about the beats in the Response Times section). The practice of deploying officers using a two-beat, north and south, plan spreads existing on-duty officers throughout the city. This can also increase the likelihood of officers clustering in a small geographic area rather than be spread throughout the community. Officers could still be optimally deployed with existing staffing. When daily staffing exceeds the number of beats due to workload, the department could simply double-up busier beats or create rover units to provide assistance citywide. During times when staffing is not adequate to cover all beats, officers could take more than one beat per shift or have officers share beats with common borders.

Reporting districts (RD) serve an altogether different purpose. RDs should be relatively small and numerous. Breaking down areas into smaller RDs will enable better data analysis in the future. Smaller, defined areas make crime spikes easier to spot and help enable a faster solution to those problems. Smaller reporting districts would allow the department to track the impact of certain types of development and housing more carefully.

PATROL SCHEDULE

The department's main patrol force consists of patrol officers operating on 10-hour shifts starting at 7:30 a.m., 4:00 p.m., and 10:00 p.m. The police department's main patrol force deployed an average of 6.3 officers per hour during the 24-hour day in winter 2023 and an average of 7.0 officers per hour in summer 2023. When patrol sergeants are included, the department averaged 7.9 units per hour during the 24-hour day in winter 2023 and 8.6 units in summer 2023.

MPD advised team members it has a minimum staffing requirement of six units (officers) per shift. Patrol sergeants are often used to attain the minimum staffing of six. We were informed sergeants do not routinely take reports or dispatch as primary units on CFS, even when used to achieve the minimum staffing level for patrol.

The 10-hour shifts are very popular with patrol personnel. We do believe MPD's 10-hour shifts limits the number of officers available for shift coverage. A 10-hour schedule does typically require more resources than a traditional 8- or 12-hour schedule. The 10-hour shifts are popular with officers and the overlapping evening (mid) shift bolsters resources. We recommend MPD adjust the schedule of at least two officers per day on the evening (mid) shift from reporting for duty from 4:00 p.m. to 2:00 a.m. to reporting for duty from 2:00 p.m. until midnight. This will increase the number of available officers during peak call volumes.

OUT-OF-SERVICE ACTIVITIES

Workload activity is divided into three distinct categories. Community-initiated work involves calls for service that officers are dispatched to handle. For instance, when someone calls 911 to report a crime and an officer is sent to investigate, then it will be classified as a community-initiated call. Self-initiated or self-directed work is also self-explanatory. An officer who makes a traffic stop and takes whatever appropriate action deemed necessary will have that call classified as self-initiated. About 38 percent of all other work recorded in a department CAD system gets classified as being administrative in nature or as this category implies, "out-of-service" activity.

The following table is a breakdown of all out-of-service activity which CPSM extracted from MPD's CAD data.

TABLE 5-4: Activities and Occupied Times by Description

Description	Occupied Time	Count
Out of Service	33.3	2,563
Repairs	5.1	4
Reports	24.6	44
Training	100.6	204
Administrative - Weighted Average/Total Activities	**38.0**	**2,815**
Personal - Lunch	28.1	2,663
Weighted Average/Total Calls	**33.2**	**5,478**

When looking at the overall activity level of MPD officers, the most common administrative description was "out of service." There are no indications that out-of-service activity is being misrepresented or misused. However, unless properly monitored by field supervisors to ensure accountability, the use of this time categorization can become problematic.

There are some areas of this data that were further explored:

- "Out of Service" was further explored to determine if the activities being undertaken in this description are better suited in one of the other administrative descriptions. MPD staff advised CPSM team members "out of service" is most often used for officers calling out "10-6" (busy) on the radio which is keyed in CAD as "out of service" They go "10-6" for some training tasks, court appearance, restroom breaks, and some administrative tasks.
- Lunch and short breaks are noted at the bottom of the table. Typically, department policy gives an allowable lunch break period (often 30 minutes) and policy also allows for a limited number of shorter breaks, such as two 15-minute breaks during an officer's shift. Patrol SOP 1011 (Meal Periods and Breaks) outlines what is allowable. This policy establishes that meal breaks are cleared through dispatch and officers are on call while on a break.
- The fact that report writing is present and is being used at some level is encouraging; it demonstrates that officers are to some extent recording this very important administrative activity. We would suggest that to the extent possible, report writing time be captured within the originating call to be able to measure the true workload of those call categories. This may actually be occurring due to the lower count under report writing.
- The other administrative activity of note was the longest average timed activity was described as "training." It is common to have training time lasting more than one hour.

The importance of accurately capturing the use of administrative time is important. There should be a management expectation that field supervisors are actively managing the shift to ensure officers are being judicious with their time and to the greatest extent possible in their assigned beats handing community concerns. This can only be done when supervision has an accurate picture of what every officer is doing.

WORKLOAD MITIGATION STRATEGIES

Whenever evaluating the workload within any patrol force there should always be the question of what workload could be mitigated or achieved more efficiently. Minot's existing workload is manageable with current staffing. However, there are peak times during which workload demands are high. There are opportunities for some alternative ways of handling service demand that could be used for efficiency and for dealing with peak demands. Additionally, the following strategies can help ensure that on-duty capacity can be in place to handle larger incidents or at least two to three labor-intensive (two or more officers) calls for service at the same time.

By the very nature of what police officers do and the potential danger and liability associated with their actions and responsibilities, the sworn officers within any agency will be the among the most expensive labor a city will invest in. There comes a point in every organization where the use of technology and less expensive labor becomes a commonsense necessity.

Response to Traffic Collisions

Investigating traffic collisions represents a significant workload for any police department. In MPD's case it accounts for 4.4 calls per day or 1,596 calls annually (calls labeled "Accident" and "Accident–Criminal"). In most cases, collisions require multiple units and can be time-consuming at nearly 45 minutes of labor per incident in these cases.

Serious crashes involving injuries or criminal conduct (DUI, etc.) certainly require a police response. However, most crashes are minor in nature and do not involve injuries or criminal prosecution. In many of those cases, departments can either seek an alternate response or elect not to respond at all since these incidents are often deemed to be civil in nature. Non-injury crashes can be handled by the involved parties exchanging information and managing the process through their auto insurance companies.

This is a difficult decision for many organizations because it is deemed a reduction in customer service and there will likely be community push back. But if the department modifies its response now it may pay dividends in the future as this workload increases. We often recommend that departments modify their response to these types of service demands. Please see note below for use of civilian, non-sworn personnel as a method to handle information exchange on minor traffic collisions.

Use of Civilian Employees

Use of civilian, non-sworn employees in patrol work is found in departments across the nation and is deemed a best practice for departments seeking to deliver service in the most efficient manner. When deployed effectively these resources can be a force multiplier by handling nonhazardous, time-consuming patrol duties, thereby freeing up sworn officers to handle more critical functions as well as direct their efforts to community problem solving. Another benefit of utilizing civilians in the patrol workforce is the lower training threshold in comparison to sworn officers. The level of training for civilian employees is much less than that of a sworn police

officer. They do not need to attend an academy; however, we encourage that all employees receive proper training for the jobs they are tasked with performing. Extensive training should be provided to civilian employees working in the patrol function. Civilian employees can typically be hired and trained internally at a much faster rate that a regular police officer. This can be a benefit when a department is struggling to fill existing vacancies.

We do believe the addition of civilian employees into the patrol workforce would be beneficial for MPD. The re-classification of the Parking Control Officer (PCO) to a Community Service Officer (CSO) and one additional FTE civilian CSO is recommended (see note below about the part-time Fleet Manager position). The CSOs can be cross-trained for parking enforcement, traffic control, vehicle impounds, driver information exchange on non-reportable, minor vehicle accidents, handling report only lower level criminal offenses that are not in progress, and a variety of other administrative tasks currently handled by patrol officers. The CSO positions can also assist the Community Outreach sergeant with community events. The CSOs should work staggered schedules to make their impact effective during the early evening hours in addition to daytime hours when patrol-related administrative tasks are the highest. Due to the relatively low volume of animal control calls per day (1.7), the ACOs could be cross-trained as CSOs.

Alternative Reporting Options

Responding to service calls for very basic police reports is not an efficient use of sworn officers' time. Aside from using civilian employees for basic service calls, many agencies have turned to technology to offset the workload. There are off-the-shelf software solutions that provide the ability for citizens to create their own police reports through online portals or mobile applications. Many of these platforms integrate into a department CAD / RMS system for streamlined workflow. Additionally, some CAD / RMS vendors offer these solutions as well when paired to their existing systems.

MPD allows for some reports to be taken over the phone; however, this is done by a patrol officer on the street. Many of these phone reports could be handled by a civilian CSO employee mentioned above or through an online portal when for crimes or issues not in progress. We recommend MPD pursue an online reporting option through its current RMS vendor or another software vendor that specializes in online reporting. Many vendors offer kiosk-type solutions for police station lobbies in addition to reporting options on the department's website. Typically, lower-level, not in progress, property crimes and some issues needing a police case number (e.g., lost property) are the only police reports permitted to be done online.

False Alarm Mitigation

Mitigating false alarm calls is another area where agencies could be more efficient with a streamlined response and internal control mechanisms to mitigate unnecessary calls. We made inquiries to the MPD process and found it is are adhering to best practices. Minot has an industry best practice municipal code that requires all alarms in the city to be registered. The city has a model false alarm ordinance in place requiring a permit for alarm systems, and a mechanism to levy a fine for a certain number of false alarm responses by MPD.

During the evaluation period of this report MPD responded to 807 alarms, about 2.2 events per day. A majority were undoubtedly false. Although that number does not seem high it is important to point out the number will increase over time and for every alarm call there is typically a two-officer response for safety reasons. Officers responding to a call that is likely false means they are unavailable to respond to or manage a more serious community concern.

Patrol Recommendations:

- CPSM recommends that MPD establish a training matrix for patrol officers and sergeants that includes the benefits of patrol officers being proactively engaged with the community and other modern policing strategies. (Recommendation No. 37.)
- CPSM recommends that Minot PD divide up its geographic beat structure into a greater number of beats smaller in size than its existing beats. (Recommendation No. 38.)
- We also recommend the department establish smaller reporting districts for the purpose of future crime analysis work. (Recommendation No. 39.)
- We recommend MPD adjust the schedule for some officers on the evening (mid) shift from reporting for duty from 4:00 p.m. to 2:00 a.m. to reporting for duty from 2:00 p.m. until midnight in order to increase the number of available officers during peak call volume times. (Recommendation No. 40.)
- CPSM recommends that MPD explore the expansion of the use of civilian, non-sworn employees to assist the patrol division. This includes the re-classifications of the Parking Control Officer (PCO) to a Community Service Officer (CSO) and adding one FTE civilian CSO (see note below about the part-time Fleet Manager position). (Recommendation No. 41.)
- We recommend MPD pursue an online reporting option. (Recommendation No. 42.)

RESPONSE TIMES

The Minot Police Department is served by Minot Central Dispatch, which is the public safety answering point (PSAP) and dispatch center for all public safety agencies in Ward County.

We analyzed the response times to various types of calls, separating the duration into dispatch processing and travel time, to determine whether response times varied by call type. Response time is measured as the difference between when a call is received and when the first unit arrives on scene. This is further divided into dispatch processing and travel time. Dispatch processing is the time between when a call is received and when the first unit is dispatched. Travel time is the remaining time until the first unit arrives on scene.

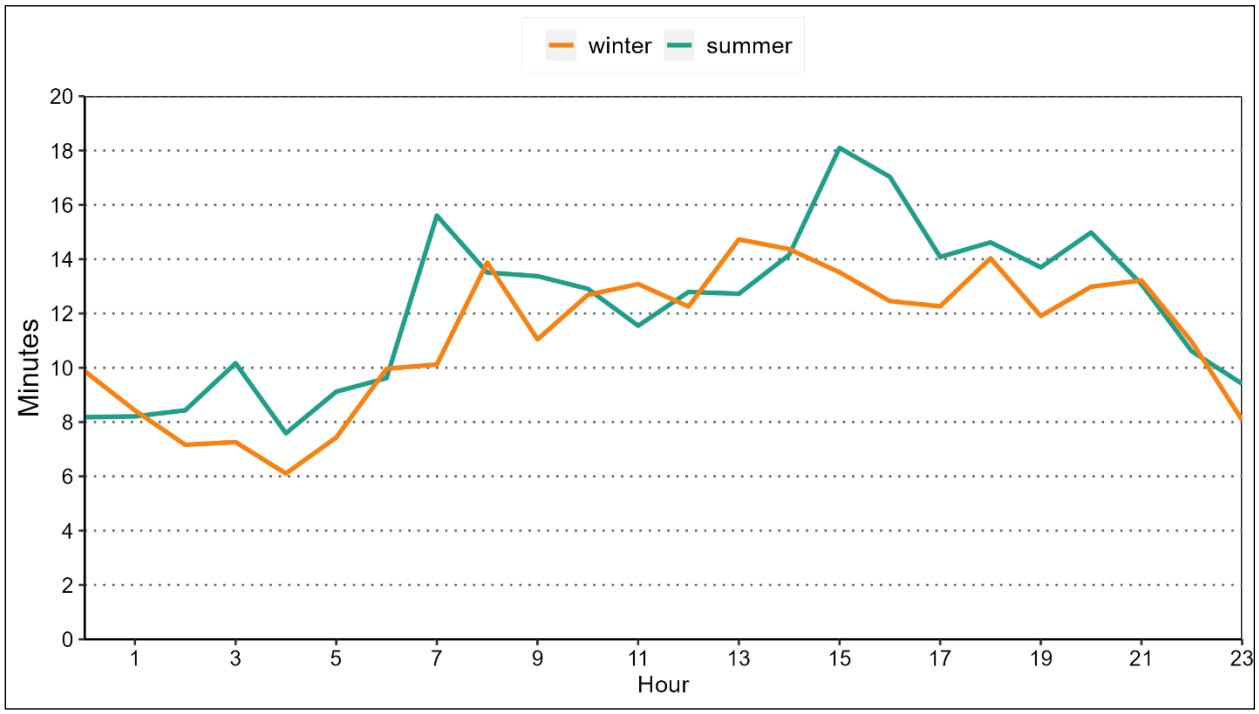
We begin the discussion with statistics that include all calls combined. We started with 3,962 calls in winter and 5,745 calls in summer. We limited our analysis to community-initiated calls, which amounted to 2,788 calls in winter and 4,045 calls in summer. In addition, we removed the calls lacking a recorded arriving unit, a few calls located at headquarters, as well as calls not in Minot PD beats. We were left with 2,182 calls in winter and 2,977 calls in summer for our analysis. For the entire year, we began with 30,615 calls and limited our analysis to 22,179 community-initiated calls. With similar exclusions, we were left with 17,005 calls.

Our initial analysis does not distinguish calls based on priority; instead, it examines the difference in response to all calls by time of day and compares summer and winter periods. We then present a brief analysis of response time for high-priority calls alone.

All Calls

This section looks at all calls without considering their priorities. In addition to examining the differences in response times by both time of day and season (winter vs. summer), we show differences in response times by category.

FIGURE 5-13: Average Response Time and Dispatch Processing, by Hour of Day, Winter and Summer, 2023



The above figure shows the consistency in department response times at different times of the year (winter and summer). Many agencies we analyze show lower response time during the early morning hours with times steadily increasing as it gets later in the day and calls get heavier. This pattern shows the MPD response times also vary significantly by the hour of the day. In the winter, the longest response times were between 1:00 p.m. and 2:00 p.m. with an average of 14.7 minutes. The shortest response times in the winter were between 4:00 a.m. and 5:00 a.m., with an average of 6.1 minutes. The longest response times in the summer were 18.1 minutes between 3:00 p.m. and 4:00 p.m., with the shortest response times being 7.6 minutes again between 4:00 a.m. and 5:00 a.m. The longest and shortest response times of the day in the winter and summer correlate to the call volumes during those same times.

The following table shows response times by season to the various types of calls received.

§ § §

TABLE 5-5: Average Response Time Components, by Category

Category	Winter				Summer			
	Minutes			Count	Minutes			Count
	Dispatch	Travel	Response		Dispatch	Travel	Response	
Accident	6.7	6.1	12.9	150	6.4	6.0	12.4	147
Accident–criminal	9.6	7.7	17.3	33	10.0	7.6	17.6	47
Alarm	1.7	4.1	5.8	109	1.3	3.5	4.9	134
Animal call	11.7	6.7	18.4	35	13.6	7.5	21.1	63
Assist other agency	3.5	4.1	7.7	165	3.6	4.1	7.6	268
Assist public	9.0	6.1	15.1	117	11.7	6.8	18.5	215
Crime against persons	6.5	6.3	12.8	69	10.5	7.9	18.4	115
Crime against property	10.0	7.2	17.2	162	9.3	6.9	16.2	211
Crime against society	4.3	4.8	9.1	182	5.6	5.5	11.0	283
Disturbance	4.1	5.2	9.3	234	5.5	5.5	11.0	282
Investigation	5.3	5.2	10.6	209	7.6	6.5	14.0	282
Juvenile	10.3	6.7	16.9	92	10.6	6.2	16.9	76
Mental health	2.9	5.4	8.3	25	1.9	4.9	6.8	16
Miscellaneous	2.9	6.9	9.8	10	8.2	4.3	12.5	22
Special check	0.4	4.1	4.5	8	0.7	5.7	6.5	14
Suspicious incident	6.0	4.4	10.4	153	5.9	5.0	10.9	277
Traffic enforcement	9.3	5.7	15.0	111	8.7	5.9	14.6	145
Traffic enforcement–criminal	1.8	3.9	5.6	15	8.7	5.3	13.9	11
Warrant/prisoner/vehicle	7.5	5.8	13.3	85	6.3	6.1	12.4	97
Welfare check	8.1	5.5	13.6	218	8.2	5.4	13.7	272
Total Average	**6.4**	**5.5**	**11.9**	**2,182**	**7.1**	**5.7**	**12.9**	**2,977**

Note: The total average is weighted according to the number of calls per category.

MPD's fastest overall response time is associated with alarm calls. The longest response times for both winter and summer were to general noncriminal calls.

Next we will examine the response to calls based on priority. Police departments will divide call types by priority as a means to ensure more pressing calls receive a faster response than more routine calls. MPD divides calls into four priority levels; "high" for the highest-priority calls, "medium" for the next priority, "low" for the lowest-priority calls, and "follow-up" for calls not requiring a quick response. Also, we studied injury traffic accident responses. One reason we look at injury collision calls is because agencies typically consider that call some level of an emergency response and they will be among the faster response times in these categories.

Note the 90th percentile category simply shows the response time 90 percent of the time versus the average noted in the first columns.

TABLE 5-6: Average and 90th Percentile Response Times, by Priority

Priority	Minutes			Calls	90th Percentile Response Time, Minutes
	Dispatch	Travel	Response		
High	2.8	4.6	7.4	4,418	12.4
Medium	7.6	6.1	13.8	6,169	31.2
Low	8.9	6.2	15.1	3,496	34.0
Follow-up	7.9	6.2	14.1	2,922	32.4
Total	**6.7**	**5.7**	**12.4**	**17,005**	**27.1**
Injury Accident	1.8	3.2	5.0	121	7.6

Note: The total average is weighted according to the number of calls within each priority level.

The dispatch time noted is the total time from the moment a 911 call is received, entered into the CAD system, and sent to a patrol unit for a response. The travel time is self-explanatory; it begins the moment a call is received by the officer and continues through the time it takes to drive to the location of the call.

Ideally, departments strive to have a response time of five minutes or less to critical, in-progress calls that may pose a threat to life. In the case of MPD, the highest category of calls is "High" and the average response time to those calls is well over the five-minute target.

Agencies often have multiple call types included in the highest priority responses and which may not be as serious as many true emergencies are; therefore, the totals in this call category can be misleading. However, injury collisions are serious and almost always garner a fast response. MPD's response in this area is right at the industry standard goal of five minutes.

The highest priority calls had an average response time of 7.4 minutes, which was lower than the overall average of 12.4 minutes for all calls. For high-priority calls, the longest response time occurred between 3:00 p.m. and 4:00 p.m., with an average of 9.6 minutes. The shortest response times for high-priority calls were between 1:00 a.m. and 2:00 a.m. and 5:00 a.m. and 7:00 a.m. with an average of 5.7 minutes.

We believe one of the reasons MPD does not meet a standard of close to five minutes is primarily due to the current officer deployment strategies into two large beats (A and B/C). Dividing the city into more beats that are geographically smaller and assigning an officer to each should reduce response times by having officers closer to calls occurring in their assigned smaller area of responsibility.

SPECIAL WEAPONS AND TACTICS (SWAT)

The Minot Police Department has a tactical team operated as a regional Special Weapons and Tactics (SWAT) team. The team is made up of officers from MPD, deputies from the Ward County Sheriff's Office, and tactical medics from the Minot Fire Department. The team is comprised of 15 tactical operators, 4 snipers, 7 tactical medics, and a physician serving as a tactical doctor. The team is under the command of a patrol sergeant who reports to the Operations Division Captain.

Due to MPD being one of the larger law enforcement agencies in North Dakota and the largest agency in the region, it provides SWAT resources for a large section of northwestern North Dakota. North Dakota has just six SWAT teams in the state. If MPD needs additional tactical

resources, one or more of the other five tactical teams would respond in a mutual aid capacity. MPD receives grant funding from the State of North Dakota to support its regional response as a tactical team.

CPSM team members were very impressed with the quality of equipment and resources the MPD SWAT has. It is equipped at a level that matches many larger metropolitan police departments. All of the equipment for SWAT team members including their vests, helmets, and rifles are kept in the SWAT storage room or on the SWAT bus. This is a great strategy for a full team deployment outside of Minot. However, in a critical incident, a patrol officer who is also a SWAT team member does not have any tactical equipment with them while on duty. If SWAT resources or less-lethal munitions (bean bag shotgun, 40mm rounds, Pepperball) are needed, a SWAT officer would need to return to the police station and enter a code in at least three door or lockers to access the equipment.

MPD should consider purchasing "go bags" for SWAT team members assigned to patrol. This would allow them to carry their helmet, vest, and other personal tactical equipment with them while on duty to provide an immediate tactical resource in an emergency. Additionally, we recommend SWAT officers be permitted to carry their department-issued rifle while on-duty for patrol rather than relying on a shared rifle assigned to each patrol vehicle. As mentioned in the Fleet section of this report, the shared rifles have limitations. Trained tactical officers properly equipped on police patrol can contain an emergency situation and provide responding SWAT command with important on-scene intelligence while awaiting a full SWAT team deployment.

CPSM was advised that SWAT maintains all less-lethal force options. Less-lethal force options often include, but are not limited to, bean bag shotguns, 40mm launcher, and Pepperball launchers. Less-lethal force options can be an effective response to persons armed with weapons other than firearms. For MPD to deploy less-lethal in an emergency, an officer trained in less-lethal would need to go to the police station and obtain the less-lethal tools from the SWAT vehicle. We recommend MPD train sergeants in the use of less-lethal munitions and equip the supervisor vehicles with less-lethal options. This will allow for a faster response to a critical incident where a less-lethal option may prevent the need to utilize deadly force.

The current SWAT team policy (403) is a model tactical team policy and covers the basic elements of tactical team operations, selection, and training. While MPD SWAT is training an average of 12 hours per month, this does not meet the National Tactical Officers Association (NTOA) standards for a SWAT team. Because of the highly technical and complex nature of SWAT team operations, the training required is extensive. The danger, stress, and liability associated with SWAT or SRT teams also demand rigorous training standards. According to the NTOA, teams should train at least 16 hours per month. We recommend MPD increases its tactical team training by 4 hours a month for a total of 16 hours per month to meet NTOA standards.

In 2020, the SWAT team was utilized 4 times and two times in 2021 and 2022. There has been one callout of the team in 2023. We were advised MPD has reduced the use of SWAT for narcotics search warrants, which is a national trend and best practice. This explains the reduction in the number of callouts. Many law enforcement agencies are moving away from dynamic entries for narcotics search warrants due to the high risk of this type of use of SWAT.

TABLE 5-7: SWAT Team Callouts / Use

	2020	2021	2022	2023
Callouts	4	2	0	1

MPD does have a Crisis Negotiation Team (CNT) made up of eight trained negotiators. This is a regional team with members also from the Ward County Sheriff's Office. All of the negotiators have at least level two training in crisis negotiations, and some have achieved level three training. CNT deploys with the SWAT team on callouts. They also train with the SWAT team.

MPD does have a formal after-action review (AAR) process for critical or major incidents. The AAR process allows for a major incident or event to be debriefed where lessons learned can be implemented. This fosters discussion that improves response to future events and addresses safety concerns and other lessons learned. We applaud MPD for utilizing a formal AAR process.

Tactical Team (SWAT) Recommendations:

- CPSM recommends Minot increases its SWAT team training to 16 hours per month in compliance with NTOA. (Recommendation No. 43.)
- MPD should consider equipping patrol officers who are SWAT team members with SWAT resources in order to have trained tactical officers available to immediately respond to a critical incident. Additionally, we recommend allowing SWAT officers to check out their assigned department-issued SWAT rifle daily to be secured in their assigned patrol vehicle rather than the shared patrol rifle. (recommendation No. 44.)
- We recommend MPD train sergeants in the use of less-lethal munitions and equip the supervisor vehicles with less-lethal force options. (Recommendation No. 45.)

K-9 OPERATIONS AND BOMB TEAM

MPD has utilized police service dogs for more than two decades. It currently has three dogs assigned to patrol with their trained police officer handler. The police dog and their handler comprise a K-9 team. One dog is trained in explosive detection as a "bomb dog" and tracking. The other two dogs are trained in narcotics detection and tracking. All dogs are trained for suspect apprehension and handler protection. MPD utilizes recognized K-9 trainers to acquire their police dogs.

The K-9 Unit policy (309) is a model K-9 operations policy that covers training, when the use of a police dog is authorized, and handler responsibilities. The K-9 Unit trains together 16 hours a month. They often train with other K-9 teams in the region. There have been no bites by the police dogs since 2016. MPD does an excellent job of recordkeeping of K-9 deployments and training. The K-9 teams were utilized 233 times in 2023, with a nearly equal distribution of tracking uses and narcotics detection. K-9 teams are assigned a marked, take-home police vehicle. The One K-9 team is currently assigned to each of the three patrol shifts. We recommend at least one narcotic detections K-9 team be assigned to the Focused Enforcement Unit.

MPD receives federal funds to maintain a Bomb Team. MPD's explosive detection K-9 team is assigned to the Bomb Team. The bomb team is made up of MPD officers, a Ward County Sheriff's deputy, and a member of the Minot Fire Department. The team averages 10 to 15 deployments a year across a large response region of the state. Bomb sweeps by the K-9 team are a majority of the deployments.

K-9 Operations and Bomb Team Recommendation:

- CPSM recommends MPD assign one of the K-9 teams to the Focused Enforcement Unit. (Recommendation No. 46.)

FOCUSED ENFORCEMENT UNIT

MPD recently created a street crimes-style team to proactively address crime trends. It refers to the team as the "Focused Enforcement Unit." Special units such as this can be effective to augment patrol, as a force multiplier, and to address specific crime trends. However, these units are only effective when their activities are led by effective intelligence. Deployment should be based on analysis of crime data and trends. The unit needs to be given specific goals and a detailed mission for maximum effectiveness.

The Focused Enforcement Unit is currently staffed with one police sergeant. Other officers are assigned to the unit when staffing permits. For the unit to be most effective, it needs to have dedicated personnel. Additionally, an MPD crime analyst should play a role in providing the crime data and hot-spot locations for the unit to address. As noted above in the K-9 section, we recommend one K-9 team (handler and dog) trained in narcotics detection be assigned full-time to the Focused Enforcement Unit. An additional police officer should be assigned full-time to the unit. Additional resources can be added to the team for mission-specific purposes on a temporary basis.

We recommend MPD develop a policy for the Focused Enforcement Unit outlining the mission of the unit, specific goals, and procedures for deployment and use. This policy should clearly specify that intelligence-led policing initiatives will be used to make the Focused Enforcement Unit effective.

Focused Enforcement Unit Recommendations:

- CPSM recommends MPD assign one of the K-9 teams to the Focused Enforcement Unit. (Recommendation No. 47.)
- CPSM recommends at least one police officer be assigned full-time to the Focused Enforcement Unit. (Recommendation No. 48.)
- We recommend MPD develop a policy for the Focused Enforcement Unit outlining the mission of the unit, specific goals, and procedures for deployment and use. This policy should clearly specify intelligence-led policing initiatives that will be used to make the Focused Enforcement Unit effective. (Recommendation No. 49.)

POLICE PATROL FLEET

Minot PD has approximately 25 marked police vehicles in its fleet. The fleet is predominately Ford Explorer SUVs. Other than K-9 team members, vehicles are not assigned to specific officers, groups of officers, or shifts. Marked police vehicles are checked out daily by officers at the beginning of their tour of duty. Since all marked vehicles are in the fleet pool for patrol, an officer may have a different vehicle assigned to them each workday. The marked police fleet appears to be well-equipped with modern police equipment.

"Hot seating" cars (that is, 24-hour continuous use) in a fleet pool structure such as MPD uses causes cars to not be as well cared for, equipment in the car to not be as well maintained, and officers to not take a sense of ownership in something they are not assigned to for a longer term. Additionally, the cars have little down time between shifts, making their lifespan shorter. We recommend MPD permanently assign no more than two officers to each marked police vehicle. This may require the purchase of some additional marked police vehicles in order to maintain

several pool cars that can be utilized when an officer's assigned car is down or in for scheduled maintenance. Assigned vehicles will be better cared for, last longer, create a sense of ownership by officer in the vehicle assigned to them, and add a level of accountability for the condition of the vehicle and the equipment assigned to it.

A patrol rifle is assigned to each marked patrol unit. The rifle is secured in a locked mount between the front seats and the in-car camera system is activated anytime the rifle is removed from the secure mounting system. The patrol rifles are equipped with rail mounted electronic optics. Team members were advised that the patrol rifles are inspected monthly and seldom are they fired at the range or the optics zeroed in. At least one of the patrol rifles mounted in a marked police vehicle was observed to be covered in a layer of dust. Monthly inspection of this important piece of equipment is not a best practice.

We recommend officers check-out a patrol rifle daily and it be inspected at the beginning and end of each shift. The rifles should be zeroed in on the range regularly. If the above recommendation of assigning no more than two officers to each marked patrol vehicle is implemented, then the rifle could be assigned to that specific vehicle and still be inspected daily by each of the assigned officers when they begin their tour of duty. These same assigned officers could also be responsible for zeroing in the rifle assigned to their car and for making sure the rifle is always in a state of readiness.

MPD maintains police patrol bicycles for use during warmer weather months. Bike Patrol is utilized for special events or specific missions seasonally. Officers are permitted to take a police bike with them on patrol utilizing a bicycle rack on the back of their patrol vehicle. This gives them the flexibility to park their police vehicle and switch to bike patrol in a specific area of the community.

A part-time fleet manager is employed by MPD to coordinate fleet related activity. This includes scheduling or regular maintenance on police vehicles and arranging for the vehicles to be dropped off at a repair facility.

Police Patrol Fleet Recommendations:

- CPSM recommends MPD assign no more than two officers to each marked police vehicle and purchase additional marked police vehicles if needed to allow for this. (Recommendation No. 50.)
- We recommend officers check-out a patrol rifle daily and it be inspected at the beginning and end of each shift. The rifles should be zeroed in on the range regularly. (Recommendation No. 51.)

ANIMAL CONTROL OFFICERS AND PARKING CONTROL OFFICER

Animal control services for the City of Minot are handled by two Animal Control Officers (ACO) who work in the Minot Police Department under the Operations Division captain. Animal control handled 632 animal-related calls in the year studied, or 1.7 calls per day. Minot does not have its own animal shelter but rather contracts with the Minot Veterinary Clinic. The Minot Veterinary Clinic handles animal sheltering and impounds of dogs and cats, pet adoptions, and euthanasia. When team members were onsite, one ACO position was vacant.

MPD has one Parking Control Officer (PCO) position. The PCO handles the enforcement of parking time limits in the downtown area and other parking complaints in Minot. The PCO and ACOs also assist patrol officers with vehicle impounds, traffic control, and other administrative

tasks not requiring a sworn police officer response. The use of the PCO and ACO positions to assist patrol is a force multiplier and best practice.

As previously mentioned in the section on patrol, we do believe the addition of civilian employees into the patrol workforce would be beneficial for MPD. The reclassification of the Parking Control Officer (PCO) to Community Service Officer (CSO) would be a step in that direction. The CSOs can be cross-trained for parking enforcement, traffic control, vehicle impounds, driver information exchange on non-reportable, minor vehicle accidents, handling report-only, low-level criminal offenses that are not in progress, assisting ACOs, and a variety of other administrative tasks currently handled by patrol officers. The CSO positions can also assist the Community Outreach sergeant with community events. One additional civilian CSO is recommended in FY 2025. This could be accomplished by converting the part-time fleet manager position to a full-time CSO. Additionally, MPD should consider converting the ACOs to CSOs and cross-training them to assist in CSO duties during peak times.

Animal Control and Parking Control Recommendations:

- CPSM recommends MPD reclassify the Parking Control Officer position to Community Service Officer (CSO). The CSOs can be cross-trained for animal control, parking enforcement, traffic control, vehicle impounds, driver information exchange on non-reportable, minor vehicle accidents, handling report-only, lower-level criminal offenses that are not in progress, and a variety of other administrative tasks currently handled by patrol officers. The CSO positions can also assist the Community Outreach sergeant with community events. (Recommendation No. 52.)
- One additional CSO position is recommended in FY 25 by converting the fleet manager position from part-time to full-time and reclassifying it as a CSO. (Recommendation No. 53.)
- We recommend cross-training the Animal Control Officers (ACO) as Community Services Officers (CSOs) in addition to their ACO duties for use during peak times on patrol and as a force multiplier. (Recommendation No. 54.)

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SECTION 6. INVESTIGATIONS

This segment of the report reviews the operations of the Minot Police Department Criminal Investigations Division (CID) and the various units as well as the functions related to investigation efforts. The Criminal Investigations Division includes the following workgroups:

- Detective Unit.
- Intel Analyst.
- Bomb Unit (Collateral Assignment).
- Crime Scene Response Unit (Collateral Assignment).
- Regional Task Force Teams.

Other collateral work units that include CID investigators include two investigators assigned to the Crisis Negotiation Team and four with the department's Peer Support Team. MPD investigators can also participate in the CSRU, SWAT, and the Bomb Unit.

In many fundamental respects, the investigation process has changed significantly over the past decade because of technological advances, the emergence of cybercrimes, drug epidemics such as the fentanyl crisis, and the increasing gun violence plaguing American communities. Equally, the complexity and length of police investigations have an impact on resources. Investigations are compounded by the public expectations for investigative accountability, the application of software systems, and the prolonged time needed to upload and review various types of video recordings. Law enforcement agencies must also conduct fair and equitable investigations leading to the arrest and subsequent conviction of criminal offenders while increasing public trust in the process.

The Criminal Investigations Division (CID) is led by a captain. The CID lieutenant reports to the captain and utilizes two police sergeants to supervise CID operations. CID utilizes the title of police investigator to define the role of an officer assigned to CID. While the position is not a promotion or civil service position, all candidates are interviewed and approved by the Chief of Police for the position of Investigator.

In this review, CPSM is committed to offering best practice recommendations through examinations of overall detective performance, operations, advanced management concepts, and collaboration with nonprofits and the community at large. This review will assess the following areas of MPD's Criminal Investigations Division to include the various investigative workgroups and the Bomb Unit:

- Crime reduction strategies and various statistics.
- Staffing levels, training plans, and administrative processes.
- Case assignment, case intake, and closure rates.
- Policy analysis and structure of the bureau.
- Detective functions.

STAFFING

CID is appropriated 17 full-time personnel including two professional (civilian) specialists and 15 sworn police officers, led by a police captain, managed by a police lieutenant, and supervised by two sergeants. The staffing shortage during the CPSM assessment includes two investigators and two TFOs. The shortage of two personnel is related to retention and recruitment challenges facing most American law enforcement organizations. The challenge of replacing vacant investigator positions becomes more difficult as senior personnel cannot transfer until new officers are hired, attend an academy, and complete the Field Training Officer Program.

TABLE 6-1: CID Staffing

2023 Position	Budgeted	Actual	Vacant
Commander	1	1	0
Lieutenant	1	1	0
Sergeant	2	2	0
Investigators	7	5	2
Task Force Officers (TFOs)	4	2	2
Civilian Intelligence Analyst	1	1	0
Civilian Forensic Analyst	1	1	0
Total Authorized Personnel	**17**	**13**	**4**

Source: Minot Police Department's Criminal Investigations Division

The Minot Police Department participates in the two regional task forces, namely the Ward County Narcotics Taskforce with two of four officers currently deployed with the unit, and one collateral officer with the Bureau of Alcohol, Tobacco, and Firearms (ATF). The MPD also assigns four investigators to the regional Internet Crimes Against Children Task Force (ICAC) on a collateral (as needed) basis.

To fill vacant CID positions, the department announces investigative openings to all members. MPD officers can submit emails of intent and interviews are conducted with all candidates before CID positions are chosen. The CID investigator candidates are based on achieving senior/master officer levels through performance and years of service merits. MPD has seven available slots with five slots currently filled with limitations due to vacancies. All officers chosen for investigator positions are not provided compensation for the assignment; however, take-home vehicles are provided for all investigators. CPSM staff reviewed the structure and operating procedures and concluded the protocols set in place are antiquated in areas such as the lack of civilian opportunities and the generalization of detective workgroups. CPSM recommends the MPD expand its current investigator (600) policy to include specific assignments within CID and define the position of senior/master officer positions.

Per operational protocol, investigators are chosen for CID positions with no written procedures for a rotational schedule; however, in 2022 the MPD Chief of Police authorized all sworn officers to rotate every five years to improve proficiency and skills while preventing stagnancy. The CID investigators rotate every five years; however, two of the seven positions are classified as "long-term" assignments within CID. CPSM recommends MPD expand Policy 600 and provide a written matrix of detective rotation assignments and the process of how investigators are selected. An expanded investigative policy to include rotation schedules and a selection process is recommended by the International Association of Police Chiefs (IACP) and the Police Executive Research Forum (PERF).

As a more contemporary approach to detective assignments, the IACP recommends a detective rotational schedule to expand the breadth of knowledge throughout an organization. This approach moves the experience throughout an organization and maintains a positive work culture as others can be assigned to detective positions. CPSM recommends CID consider a detective rotation schedule of three to five years, with the ability to extend individual rotations based on investigative needs. A defined MPD policy defining the rotation process and assignment will reduce misperception of how the rotation process functions.

Based on the number of sworn personnel and the various working groups within the division, CPSM evaluated the span of control, which is defined as the number of personnel a supervisor is responsible for directing, guiding, and communicating with daily. CPSM found the current supervisor-to-officer ratio to be sufficient and to meet national expectations and best practices. Assigning the appropriate number of supervisors for personnel benefits the quality of work while reducing the risk of liability exposure for the Criminal Investigations Division. This recommendation is based on best practices by the Internal Association of the Chiefs of Police as well as the U.S. Department of Justice, Office of Justice Programs. Research literature recommends one supervisor for every six police officers and many versions and research models are recommending up to eight police officers for one police supervisor to manage. The actual number depends on several factors that each organization must consider.

For this assessment, CPSM recommends MPD redefine the responsibility of each Investigative sergeant to better equip the unit with well-trained, experienced supervisors. As an example, MPD would benefit from assigning one sergeant to one group of investigators and another sergeant to a second workgroup. The current detective structure includes various responsibilities from reviewing non-fatal overdoses to conducting investigations regarding gangs, organized crime, and narcotic dealers with the likelihood of seizing narcotics and money. A direct narcotics supervisor would minimize the liability exposures related to narcotics investigations and tactical operations.

CID Work Schedule

The 2023 work schedule for the detective staff is designed in the following format: Administrative Schedule, Monday through Friday, 7:30 a.m. to 4:00 p.m.

Based on a review of the detective work schedule and responsibilities, CPSM acknowledged the need for various functional shifts as well as the collateral assignments of selected detective personnel.

Policy

The Criminal Investigations Division is guided by policy 600 (Investigation and Prosecution) and procedure that is managed through the Lexipol service.

It is a law enforcement officer's commitment to the community they serve to uphold their responsibility to incorporate the most contemporary policies regarding traditional and emerging issues. Policies that serve as operational guidelines are critical to the effective and efficient management of any organization. Given the mission of law enforcement and ever-changing laws that regulate the performance of such, a comprehensive and current policy manual is vital. Few law enforcement agencies, including the Minot Police Department, have resources available to maintain a comprehensive, up-to-date policy manual.

The most useful policies are developed with clear and firm guidance for preferred operational outcomes. Yet, no model policy meets all the needs of any police agency nor fits every incident

imaginable. Instead, the development and assessment of policies is an ongoing process that requires adherence to U.S. Supreme Court rulings, federal/state statutes, local ordinances, regulations, and judicial and administrative decisions. Policies must also include guidelines and procedures for an array of operational challenges while considering an understanding of political and community perspectives and customs, as well as aligning with provisions of collective bargaining agreements. Policy development must also include consultation from an agency's legal advisors before implementation. Therefore, agencies must decide how to maintain up-to-date policies that incorporate national standards and model policies with general order manuals.

Through MPD's annual subscription with Lexipol, the department has access to a full library of customized, state-specific law enforcement policies that are automatically updated in response to new state and federal laws to include court decisions. Lexipol also offers online training bulletins, videos, and other platforms to meet police training mandates. A police department is offered various levels of services based on pricing and annual contracting agreements that MPD should continue with. MPD's policy development and analysis are provided by Lexipol and approved by the Chief of Police and the command staff along with legal consultation from the city's legal advisors. This approach is a best practice for police organizations.

The Minot Police Department incorporates a national best standard in its use of the Lexipol Enforcement Policies and Procedures and has contracted to use Lexipol's Knowledge Management System (KMS). KMS provides electronic policy acknowledgment by all MPD employees, tracking automatic archiving of prior policies, and training for all department personnel. MPD has yet to use the full services of Lexipol in its policy development and training bulletins, which would reduce the department's workload while ensuring all members of the department receive training bulletins as well as acknowledge policy changes.

Eight MPD policies were reviewed as part of our assessment of the CID and which have a direct nexus to the efforts of training, documenting, and reviewing cases within the department. CID policies that were reviewed are:

- 600 - Investigation and Prosecution.
- 603 - Asset Forfeiture.
- 602 - Informant Management.
- 603 - Eyewitness Identification.
- 604 - Brady Information.
- 605 - Sexual Assault Investigations.
- 606 - Warrant Service.
- 607 - Operations and Deconfliction.
- 609 – Crime Scene Response Unit.

The policies and written procedures reviewed by CPSM meet basic industry standards; however, MPD would benefit from seeking resources from IACP and expanding its current policies to include detective responsibilities and accountabilities in tracking supplemental reports and the timeline for submitting investigative updates regarding active cases. Case reviews and tracking are undertaken by MPD but are not included in the policies CPSM reviewed.

Policy 600 guides detectives in evaluating criteria for determining whether to conduct follow-up investigations and when to deactivate investigative efforts. The investigations policy should mandate case progress reporting and the need for detectives to provide updated reports at least once a week or more frequently if needed as well as case file management instructions. These recommended aspects of the policy provide performance expectations for detective personnel to follow.

CID Body-Worn Video Program

The MPD utilizes a Body-Worn Video program. There are many public and organizational benefits of a BWV program such as resolving what would otherwise be unprovable allegations while providing clarity in many encounters involving the police and the public including CID special operations and critical events such as officer-involved shootings. BWV enhances community trust and credibility through accountability and a commitment to transparency. MPD utilizes a Records Unit digital evidence technician to assist with maintaining digital evidence to include BWV footage. The use of the evidence technician position provides a best-practice approach to managing a BWV program.

An interview with the evidence technician provided quality insight and the exceptional work being performed in this position. With the constant changes in BWV laws, redacting software, and new technologies by Axon, MPD will need to invest and possibly expand this position. CPMS recommends MPD increase the training level of the evidence technician and provide ongoing professional development. MPD is commended for using a non-sworn professional staff position as an evidence technician.

MPD requires all CID personnel to wear their BWC devices when conducting field investigations and the performance of special operations, search warrants, and high-risk situations. Investigators are also required to wear BWC devices when wearing a police uniform and donning body armor vests.

Training & Section Manual

In our policy review, CPSM compares a section's "how-to" manuals with department policies to ensure there is a more specific procedure manual that establishes better practices for all personnel. CPSM found that CID does not have a division or unit manual specific to the Criminal Investigations Division.

MPD does not have a specific operational CID section manual to further professional development through resources, templates, or written procedures on detective operations. However, MPD has adopted operational procedures that provide some of the guidance of an operational manual with search warrant templates. Examples of these procedures are included in policies 606 (Warrants) and 607 (Operations Planning and Deconfliction). These policies offer safety measures, review processes, debriefs, and training requirements. To further this effort, it would benefit CID to develop a section manual that includes resources and templates for personnel. CPSM recommends CID establish an SOP, inclusive of templates and resources, to further the professional development of all personnel. This section manual should also include a list of required training courses and those that are preferred for each detective assignment. The manual should include common forms, search warrant samples, tactical planning for detectives, and operational guidelines. These operational manuals benefit new detective staff and supervisors and can ease the transition into Investigations. It should also include an expanded list of training courses offered by the state, regional association courses, as well as internal courses developed for detectives.

The MPD should include written guidance for the CID detective training plan, which is comprised of mandatory and encouraged courses for professional development. There are no state mandates for training and legal updates; however, CID requires all investigators to attend the Advanced Investigations Techniques courses provided by the State's CIB. CID ensures each detective receives internal training for detective orientation.

Training is a key component to ensure that personnel are qualified to perform the duties and responsibilities of a detective/investigator and those training and performance expectations are listed in the policy and procedures order. MPD ensures all new detectives are assigned to seasoned detectives to advance their professional development and also provides training topics, equipment, and other needs. CPSM recommends MPD's CID develop a more comprehensive list of professional training through a training matrix and evaluate the need for additional courses as CID develops new specialized assignments in the future. It is suggested that MPD search for statewide and national courses focused on self-leadership, and resilience in improving the understanding of today's policing challenges. This will assist MPD in preparing for future challenges while continuing to manage the present issues that developed from the national pandemic and social change movement that altered aspects of American policing.

In our review of CID special operations and the managing of critical events, CPSM found that the MPD provides proper deconfliction with operational briefings, use of risk assessment protocols, and pre-operations planning documents to assist in assuring the safety of all personnel and the community. CPSM recommends that CID develop an Excel spreadsheet or other document to track special operations and search warrants involving CID personnel. This process will allow CID to track all events, dates, and outcomes while also providing the ability to assess trends or any issues involving critical events.

DETECTIVE FUNCTIONS

The Investigations Division serves as the core (traditional) investigative body of the department. Its purpose is to investigate the most serious and significant of crimes, regardless of the category, At times, Patrol officers will respond and handle initial report complaints and the shift patrol lieutenant is responsible for reviewing cases. The Patrol lieutenant will then decide to allow patrol officers to continue with the field-level investigation if it does not substantially burden the patrol officers and interfere with their primary function. This is an important distinction in that the patrol division decides at the initial first level the type of cases the patrol officer will investigate at the field level.

CPSM reviewed the case intake, assignments, and function of the detective ranks for all units of work for the Criminal Investigations Division. All CID personnel are expected to be well-trained detectives with specialized expertise in various areas to conduct effective investigations in the following areas.

- Interviewing skills (for interviewing victims, witnesses, and offenders).
- Developing and managing informants.
- Conducting covert surveillance, including the use of advanced surveillance technologies.
- Identifying and locating potential witnesses and sources of intelligence.
- Preserving and developing evidence.
- Preparing cases for prosecution and liaising with prosecutors in the lead-up to, and management of, a trial.

- Protecting, managing, and preparing witnesses for trial.
- Sequencing of investigative steps in an inquiry to optimize chances of success.
- Maintaining knowledge of, and in some cases relationships with, criminals and criminal groups.

One of the challenges facing the Minot Police Department is the growing need for additional resources as the population continues to expand and this would require redistributing workloads for each working detective. CPSM recommends the MPD consider the reassignment of personnel to structured areas of investigations such as violent and property crimes as well as into smaller workgroups such as burglaries, robberies, sex crimes, thefts, and homicides.

Case Management & Clearance Rate

Clearance rates are an important measure of an individual detective's performance and can lead to the identification of training needs, additional supervisory oversight, and in some cases reassignment from the unit. CPSM found that CID is responsible for maintaining information on clearance rates, managed by the records administrators. CPSM maintains that while preventing a crime is of utmost importance to any law enforcement agency, solving crime should have parity. The solving of crimes which results in the prosecution of offenders not only prevents future crime; it provides much-needed closure to crime victims. The crime rates in the City of Minot are slightly increasing as the population begins to reach 50,000 residents. The overall crime rate (indexed per 100,000) crime rate is consistent with state-wide crime averages and significantly lower than national averages. The City of Minot has benefited from contemporary crime fighting and prevention strategies that have assisted in maintaining and managing crime trends in Minot.

Clearance rates, as defined and measured by the FBI Uniform Crime Report (UCR), are the benchmark for a department's effectiveness in solving crimes; however, the Criminal Justice Information Services (CJIS) developed new standards on crime reporting beginning in 2021.

Some cases are not assigned to a detective and can be closed based upon a lack of solvability factors or closed with an arrest by patrol officers. For most calls, the responding officer will be responsible for conducting the preliminary investigation and completing the report. There are instances when officers may be responsible for follow-up investigations and in these types of investigations, the detective sergeant monitors the case investigation to ensure accountability.

At the MPD, all crime reports are entered into the Records Management System (RMS) for tracking purposes. The RMS system is used to manage cases and the progress of investigations. All investigators are required to submit update reports into the RMS system; however, there is no required period for the updates. The Patrol lieutenants and sergeants monitor follow-up via the records management system. The follow-up may be assigned by the investigations Lieutenant on occasion with notations for the handling detective to complete additional investigative tasks. MPD does not require a timeline for investigators to submit updates; however, the supervision team (Sergeants, Lieutenant, and Captain) meets once a week to discuss case progress.

Of note is the department's robust use of the RMS system to manage all investigative reports assigned to the detectives with supervisor review and approval. The RMS enables supervisors to view and track all open and pending investigative cases assigned to detectives; however, the system is not used to its fullest potential.

Per CID policy and procedures, all actions taken during an investigation are required to be documented in the investigative narrative or supplemental reports, specifically stating why an offense is closed/cleared. The RMS tracks cases assigned, the submission of supplemental

reports, and how and when cases are considered closed. The system provides basic case review and management but lacks some management accountability features.

CPSM found the RMS tracking system does not provide automatic notifications when detectives have not closed or updated cases within a specific time. As an example, more robust systems provide notifications to supervisors and detectives when supplemental reports have not been updated within a set period of time. CPSM recommends MPD use its RMS to develop a 30- or 60-day reporting system to track updates and progress of investigations. Most RMSs allow for this type of reporting and the system usually provides audit reports regarding specific cases that have not received updates for long periods.

Using the U.S. Department of Justice (US DOJ) and the Federal Bureau of Investigation (FBI) standards of how crime reports are classified, CPSM evaluated the process of identifying solvability factors, how cases are closed, and how detectives enter narratives into the RMS. CPSM also assessed how CID reviews case entries with the ability to return supplement reports for corrections or other reasons. National industry standards and U.S. DOJ and FBI require the closure factors listed below; CID investigators regularly consider these factors in all investigations. However, these closure factors are not enumerated in MPD in policy nor written in procedures or protocols. CPSM highly recommends that these factors be written in Policy 600 or that a separate policy be developed for CID investigators to follow.

- The suspect is named.
- The suspect can be identified.
- The address of the suspect is known.
- The suspect can be located.
- The license plate number of the vehicle used in the crime is known.
- The vehicle can be identified.
- There was traceable stolen property.
- There were identifiable latent fingerprints lifted from the scene.
- There was potentially identifiable forensic/biological evidence collected.
- A significant modus operandi has been recognized in the case.
- It is reasonably suspected that there was a limited opportunity to commit the crime.
- There is reason to believe that further investigative efforts will lead to the solving of the crime.

The Criminal Investigation Division's investigative cases are considered closed under the following classifications and these classifications written in Policy 600.5. These standards meet the requirements of the Uniform Crime Reporting (UCR) system established by the FBI.

- All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  - In these cases, the investigator shall document that the person was warned and why prosecution was not sought.

- Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

- The case has been submitted to the appropriate prosecutor, but no charges have been filed and further investigation is not reasonable and/or has not been requested by the prosecutor.
- The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested.
- Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- The investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).
- The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

Review of Clearance Rates

CPSM reviewed the MPD's solvability factors and concluded these are consistent with industry practices among contemporary law enforcement agencies. While these fall within generally accepted elements of case management, other important elements of an effective case management system are not included. These include automated notification to supervisors of investigations exceeding normal completion periods and/or case updates, and clearance rate percentages by individual detectives.

The following tables show the overall 2021 and 2022 clearance rates of the MPD. It is worth noting that MPD maintained clearance rates on average with state levels and well above the national averages for each year. MPD's clearance rates of 72 percent in 2021 and 64 percent in 2022 for aggravated assaults are valuable statistics for the City of Minot, as many assaults reflect ongoing alcohol, drug, gang, and youth crimes that routinely occur and commonly begin with aggravated assaults. MPD has one of the highest clearance rates for this crime across the country and serves as a national model.

TABLE 6-2: Reported Minot, State of North Dakota, and National Crime Clearance Rates, 2021

Crime	Minot			North Dakota			National		
	Crimes	Clearances	Rate	Crimes	Clearances	Rate	Crimes	Clearances	Rate
Murder Manslaughter	3	3	100%	17	16	94%	22,900	11,500	50%
Rape	41	7	17%	340	66	19%	144,300	16,500	11%
Robbery	4	1	25%	186	65	35%	202,200	48,800	24%
Aggravated Assault	72	52	72%	1,321	796	60%	943,800	297,500	32%
Burglary	115	14	12%	2,899	358	12%	899,700	107,200	12%
Larceny	143	23	16%	5,958	751	13%	4,627,000	508,900	11%
Vehicle Theft	137	25	18%	1,979	406	21%	890,200	68,500	8%

Note: *We used national crime and clearance rates estimated in the FBI's report *The Transition to the National Incident-Based Reporting System (NIBRS): A Comparison of 2020 and 2021 NIBRS Estimates*

TABLE 6-3: Reported Minot, State of North Dakota, and National Crime Clearance Rates, 2022

Crime	Minot			North Dakota			National		
	Crimes	Clearances	Rate	Crimes	Clearances	Rate	Crimes	Clearances	Rate
Murder Manslaughter	3	2	67%	30	23	77%	21,797	10,752	49%
Rape	37	3	8%	379	72	19%	132,997	27,856	21%
Robbery	8	3	38%	216	83	38%	215,760	51,930	24%
Aggravated Assault	85	54	64%	1,448	853	59%	756,601	334,405	44%
Burglary	92	15	16%	2,585	409	16%	916,970	125,838	14%
Larceny	89	17	19%	5,818	876	15%	4,947,709	633,098	13%
Vehicle Theft	132	28	21%	1,999	428	21%	953,827	87,140	9%

According to the Marshall Project, a decrease in historical clearance rate percentages began during the pandemic and has continued as police departments struggle with public trust and confidence, combined with the challenges of police officer recruitment and retention in specialized assignments such as investigations.

A closer examination of the types of crimes being investigated by CID detectives provides an examination of the relative workload and the association with staffing challenges. The following table shows all cases assigned and average workload per detective for 2021 and 2022. The data below was derived from the UCR report; however, these totals also include investigations assigned to patrol officers closed by an arrest. Considering this challenge, it was difficult for CPSM to define the actual number of cases assigned to detectives, and does not represent the actual number. CPSM believes the actual number of cases to be lower than the data in the table.

TABLE 6-5: Cases per Detective, 2021 and 2022

	2022 Total	2022 Cases per Detective	2021 Total	2021Cases per Detective
Total	1040	148	1441	205

Source: Plymouth Police Department

There are no absolute standards to determine an appropriate caseload for a police detective; however, the International Association of Chiefs of Police (IACP) suggests a detective caseload between 120 and 180 cases per year (10 to 15 per month) is manageable. The average number of cases per detective can be less or more depending on their area of expertise. Compounding the challenge is the increased complexity of investigative work and the need for technology systems to assist in clearing cases. As an illustration, CID had one sexual crime investigator responsible for investigating all rape investigations and other sexual crimes in 2021 and 2022 but does not include the part-time assignment or caseloads with the Human Trafficking taskforce.

In review, CPSM estimated the total number of cases per detective was lower in 2022 than in 2021; as the approximate number of detectives was seven. As stated, at the time of this assessment, the number of detectives had decreased to five detectives based on current vacancies.

It is also a national policing challenge to confront the increasing time required to investigate cases with pursuable leads. The use of technology, changes in new laws, and the need to view hours of video footage have added to the average investigative time for detectives.

Considering these challenges CPSM reviewed the case management aspect with the following observations:

- From 2020 to 2023, CID has staffed 13 investigators in various assignments with five to seven detectives assigned as core CID detective functions, not to include the narcotics workgroup or others.
- In 2021 and 2022, the detective workloads were higher than national averages but had decreased in 2021, demonstrating MPD's challenges to maintaining appropriate staffing levels in CID
- The detective unit uses a records management system that provides a usable report as to the number of cases assigned to each detective.
- CID maintains an active database to track the number of cases assigned per detective with minimal research effort to produce the data. This is not often the case in police organizations throughout the Nation.
- CPSM noted a challenge for MPD and the Criminal Investigations Division to properly track and clear the number of arrests made by warrant service. The current county-wide system does not allow the MPD to reconcile warrant arrests with the county-wide system, causing inaccuracy in reporting overall data. MPD will need to research further efforts to resolve this issue.

These observations reflect national best practices and measurements that demonstrate the accomplishment by MPD in ensuring the investigative efforts are supported by the RMS. The observations also highlight the challenges facing MPD in ensuring the proper clearance data is tracked and reported. MPD should pursue solutions to the challenges identified by CPSM and these include:

- MPD will need to develop a tracking mechanism either through the RMS or a "log" to track patrol cases assigned to officers. The number of cases cleared by patrol arrests is not regularly tracked by the RMS and doing so would assist in defining end-of-year clearance rates.
- CPSM also recommends that MPD seek out a solution to ensure that the arrests made by warrant service are entered into the RMS and updated in the county system to better track clearance rates related to warrant arrest. This may be a feature best accomplished by a full-time crime analyst position as recommended in this report.

Overall, the Criminal Investigations Division's Detective Unit provides a supervisor and management review of investigative cases as well as mechanisms for assuring case clearance accountability. In addition, CID management and supervisors properly utilize the RMS to track and monitor case investigations. CPSM recommends the Minot Police Department develop a database (preferably within the RMS) to track and report on the number of cases assigned to each detective and the number of investigations closed by patrol officers.

BOMB UNIT

CPSM recognizes that the MPD operates the Bomb Unit in cooperation with the Federal Bureau of Investigations (FBI), with a joint Memorandum of Understanding (MOU). MPD currently has four sworn personnel including one police K-9 sergeant assigned to the Bomb Unit as auxiliary positions. The Minot Police Department's participation in the North Dakota Bomb Squad Association requires an approved Memorandum of Understanding with the Federal Bureau of Investigations, other regional police agencies, and the United States Air Force (Minot Air Force Base). The guiding documents that allow MPD to participate in this unique initiative are the North Dakota Bomb Squad Association's Standard Operating Procedure and the FBI's MOU regarding the regional bomb unit initiative.

CPSM reviewed both documents and found the MOU was renewed in July 2023 and the Bomb Unit's SOPs remain relevant with current information. However, in our review, CPSM found that MPD does not have a current Lexipol policy regarding the Bomb Unit's purpose, structure, and internal guidelines for operations. As such, CPSM recommends MPD develop an internal Lexipol Policy regarding the operations and guidelines for the Bomb Unit. This should include an on-call process, take-home vehicles, equipment, an activation process, and a notification protocol as well as other unique features of this regional agreement with local police agencies and the FBI.

One of the primary goals of the FBI MOU is to ensure that jurisdictions that do not maintain their own Bomb Squads could have access to a Bomb Squad in their area to assist them if needed. As a result, the State of North Dakota has been divided into four separate geographical areas of responsibility, with each Bomb Squad responding to assist municipal, county, state, and federal jurisdictions within their area. This includes the Minot Response District.

The Minot Response District is the responsibility of the Minot Police Department Bomb Squad and consists of 15 counties and approximately 45 local jurisdictions located in the north-central area of North Dakota. The Minot Response District includes the Minot Air Force Base, which as an ordnance disposal team and operates with the Minot (PD) Bomb Unit.

In establishing a uniform criterion for individual bomb squads to meet to be recognized by the North Dakota Bomb Squad Association and the North Dakota Peace Officers Association Special Operations Committee, the North Dakota Bomb Squad Association maintains a commitment to follow the recommended guidelines for bomb squad certification as established by the FBI Explosives Unit-Bomb Data Center and the National Guidelines for Bomb Technicians. These guidelines set forth requirements in the areas of bomb squad personnel, training, and equipment.

CPSM also recognizes that MPD is currently researching and writing a policy for the Bomb Unit operations and currently the FBI MOU serves as the primary document structuring the purpose, operational guidelines, and technical aspects of the unit. The Bomb Unit is a specific agreement with the Minneapolis FBI field office as well as other police entities in Minnesota and North Dakota. The MOU covers the following points and authorities:

- Legal Authorities.
- Specific Responsibilities.
- Personnel & Equipment.
- Operations & Equipment.
- Joint Investigations.
- Federal Deputations & Cross Deputations.

- Liabilities.
- Press Releases.
- Training.

All police agencies in the MOU agree to share available personnel, equipment, resources, and expertise in the State of North Dakota, regarding Render Safe Procedures (RSPs) (including weapons of mass destruction and explosives and the disposal of or disassembly), and investigation of explosive-related incidents as necessary. Each agency agrees to designate and train one alternate certified bomb technician in addition to its Department Coordinator and is required to maintain this minimum level of support as staffing and personnel assignments permit. The MOU provides the training guidelines to ensure joint training ventures and provide a collective effort of resources involving any relevant threats in the region.

CPSM conducted an onsite visit of the Bomb Unit equipment and vehicles including a quick response truck and a larger bomb technician vehicle. All equipment, storage, and accountabilities exceeded industry standards. In addition, CPSM found the documentation of training days, training curriculums, and actual callouts/deployments exceed industry standards. CPSM recommends MPD develop a policy with the assistance of Lexipol to guide the Bomb Unit and define operational standards and protocols that meet and exceed industry standards.

UNSOLVED (COLD CASE) MURDERS

The use of the term unsolved murder cases, also known as "cold cases," continues to be part of CPSM's review of investigative practices. The purpose of this effort is to assure communities that justice will be served for those who have lost loved ones to violent crimes or continue to be classified as missing persons. The Minot Police Department is committed to this national priority and as an example recently made an arrest in the only unsolved murder in the City of Minot. In addition, the North Dakota Bureau of Criminal Investigation is also committed and works with law enforcement agencies across the state on unsolved missing persons and homicide cases. These cases are referred to the Cold Case unit by the law enforcement agency and Minot PD has an excellent reputation with this state-level unit.

CPSM recommends that MPD include the priority of unsolved murders and missing persons in policy. Examples of a policy would include the definition of a "cold case" and its nexus to the state's effort on unsolved investigations. The policy can also include how a case becomes an unsolved investigation that has been suspended, usually due to the exhaustion of investigative leads or evidence and an organizational procedure for managing these critical investigations. Other elements included in a policy triggering a cold case investigation would be:

- New evidence in the case has been discovered.
- New technology is available which may provide new leads in the case.
- A witness in the case has come forward.
- A victim's body has been found.

The Chief of Police may also determine that a case should be reopened based on any of the following criteria:

- The nature of the crime.
- The nature and weight of the new evidence.

- The age of the case.
- The availability of witnesses.
- The likelihood of a successful prosecution.

In each case where a cold case is reviewed and a determination is made to reopen the case, a supplement shall be made to the report of the fact that the case has been reopened as well as any investigative activities. Many of the unsolved murder investigations will generally be tracked and investigated with the assistance of the State's BCI Division. The department has committed to investigating unsolved homicides on an as-needed basis and is to be commended for its efforts in making an arrest in a Minot unsolved murder case.

It is recommended that MPD utilize one to two former (retired) police officers with investigative experience to assist in evaluating and reviewing unsolved homicides and missing persons cases on an annual or as-needed. CPSM understands that the Minot Police Department would need to coordinate efforts with the State Police to investigate unsolved murders.

VIOLENT CRIME & COMPSTAT

Many American communities are struggling with gun and youth violence (14 to 24 years of age), and while poverty is usually a large factor in youth crime, there are other ailments and socioeconomic issues at the core of violent crime. The CompStat model is a process used to identify and develop public safety priorities and communicate the priorities to all frontline personnel. The CompStat concept is a crime analysis approach that seeks to reduce crime through accountability discussions and deploying resources where needed. It was created in the early 1990s by the New York City Police Department and has evolved into many national variations. MPD does not specifically use a CompStat model but does integrate elements of the model with regular staff and frontline discussions about crime trends and violent incidents that occur in Minot and the region.

The reality is that the CompStat process is not a single state-of-the-art computer equipped with a special software program. In general terms, the CompStat process is a method of management accountability and a philosophy of crime control. It is less about procuring state-of-the-art equipment and more about adopting a state of mind that police do count in reducing crime. The MPD delivers crime stats and critical conversations through weekly engagements with the Chief of Police and the Command staff but does not include frontline personnel or operational sergeants. The information is later transferred to patrol and detective personnel via roll call and other briefings. CPMS recommends that MPD embrace CompStat principles and establish a monthly meeting with frontline investigators, operational sergeants, support staff, and lieutenants. This engagement forum allows open discussion regarding crime trends and allows the crime analysis process to be led by a review of data. This decentralized approach allows for robust interactions with frontline personnel as command staff attends and listens to real-time crime issues and recommendations for their consideration and approval.

The MPD's strategic crime meeting is valuable to the organization and vital to the overall safety of the community. CPSM reviewed the homicide and gun violence statistics for 2021, 2022, and 2023 YTD, and that data follows. It should be noted that MPD does not readily track the number of gunshot victims due to the low number of critical events, but steps should be taken to track annual violent crime and shootings on a dashboard for the monthly crime stat review.

Homicide Totals (source: Minot Police Department):

- 2020: 9 (7 murders, 1 fatal hit and run, 1 Justifiable homicide).

- 2021: 3 (3 murders).
- 2022: 3 (3 murders).
- 2023 YTD: 5 (4 murders, 1 undetermined).
- Total of Unsolved (Cold Cases) Murders: 0.

Again, the Minot Police Department is to be commended for outstanding investigative work in arresting those responsible for murder and other violent crimes in the community. The violent crime in Minot is significantly less than in most cities in the region; however, violent crime does occur, requiring policing strategies to mitigate crime. The increase in murders in 2023 is an example of the national trends and challenges most American communities are grappling with and the Minot Police Department is confronting those challenges. The Minot Police Department has provided outstanding policing service to reduce potential violent crime, and this can be measured in the low violent crime activity as well as the arrest of those committing violent crimes.

INTELLIGENCE ANALYST & EVIDENCE TECHNICIAN

Currently, MPD utilizes one CID professional (civilian) position who also performs crime analysis to assist with research on specific cases as needed as well as an evidence technician to conduct forensic investigations. The crime intelligence analyst supports tracking elements of an investigation to include suspect information for investigators and provides intelligence to patrol and investigators on an as-needed basis. Additionally, the position provides a direct link between CID investigators and patrol officers regarding crime trends and linking information with department personnel. MPD's approach to crime intelligence is an excellent platform to advance its effort to establish a standalone Crime Analyst Unit. In combination with the evidence technician, MPD has positioned itself for the future and established a platform for a national policing model, that few agencies of equal size can establish.

CPSM recommends the Minot Police Department develop wider crime strategies and adopt a regional approach to crime reduction in Minot. The use of full-time crime analysts is a national model that produces positive outcomes. IACP and the International Association of Crime Analysts (IACA) recommend that all police agencies develop a crime analyst program as a standalone unit or at least in conjunction with local or regional agencies. IACA recommends that law enforcement agencies have one analyst for 1,500 Part I crimes or one per 1,800 NIBRS group A crimes. In addition to this metric, IACA also recommends one analyst per every 70 police officers or one for every 30,000 calls for service (CFS). Based on the number of Part I crimes and the number of police officers, CPSM recommends that MPD consider the addition of one full-time or part-time civilian analyst. CPMS recommends that the crime analyst receive ongoing professional training from the IACA and other entities. This approach will help develop an improved CompStat model for the Minot Police Department and free up sworn personnel to focus on case investigations.

CPSM also recommends that MPD continue to develop and advance the role of the evidence technician position by advancing their annual training to include national conferences and out-of-state training with entities such as the Secret Service in order to advance MPD's capabilities. The mandated training for the evidence technician and the crime analyst should be included in the recommendation to establish a CID training matrix for all positions.

TASK FORCE INVESTIGATIONS

It is a difficult commitment for Chiefs of Police to commit local resources to a countywide or regional task force, but it is a critical initiative to ensure community safety to reduce cyber fraud and stop human trafficking as well as other organized crime. Task force participation also encourages regional and state communication and helps to maintain professional relationships with all local, state, and federal law enforcement agencies. The Minot Police Department is committed to this national priority and ensuring homeland security for its community.

The Minot Police Department participates in two regional task forces including the Ward County Narcotics Taskforce, currently with two CID Task Force Officers (TFO) assigned to the task force. The MPD has four authorized positions for the task force; however, due to vacancies it currently assigns only two personnel. In addition, the MPD allows officers to participate in regional mutual aid working groups such as SWAT and motorcycle deployments and this effort should continue in order to support local events and emergencies. MPD is to be commended for its commitment to the local task forces and CPSM recommends that participating in the task forces should continue.

All narcotics detectives are trained in the following areas but there is no state POST mandate to require this training:

- Drug Law Enforcement Training Program – Homeland Security.
- Undercover Operations.
- Informants Management.
- Search Warrant Management.
- Latest Legal Development in Drug Enforcement.
- Basic Narcotics School.

The primary challenges facing the narcotics unit involve the national epidemic of fentanyl overdoses and the criminal enterprises using press pill machines to produce illegal tablets. The MPD narcotics investigators are trained to conduct reviews of overdose investigations that are mostly handled by patrol officers. The level of work required for non-fatal overdose investigations can be staggering and requires ongoing professional training to ensure detailed investigations. This requires MPD investigators to maintain a strong relationship with regional narcotic task forces and ensure participation in the task force efforts.

The challenge for the Minot Police Department is balancing the need to conduct overdose investigations and allowing the investigators to pursue drug organizations and other types of narcotic-related crimes through the regional task forces. This can only be achieved by the MPD by participating in the regional task force efforts.

MPD also assigns collateral personnel (investigators) to the Alcohol, Tobacco, & Firearms (ATF) Violent Crimes Task Force and four investigators to the Internet Crimes Against Children (ICAC) Task Force. These task forces have the mission to seek out local criminal enterprises and dismantle these organizations, which have ties to both domestic and international groups. These task forces have been recommended at the Presidential level of the United States and continually offer local agency training, resources, and higher-level networks to focus on these criminal enterprises. CPSM recommends that MPD continue to assign personnel to regional, state, and federal task forces and attempt to ensure full-time commitment when resources are available.

Specific to ICAC, the pressing national issue of internet-related sex crimes involving children and the growing number of incidents reported to local police is rising. The U.S. DOJ's annual report to the U.S. Congress in 2023 cited a substantial increase between 2019 and 2021. DOJ anticipates the crimes to also increase in 2022 and 2023. The following table shows the scope of these increases across the United States.

TABLE 6-6: 2023 U.S. DOJ Report to Congress on the National Strategy for Child Exploitation & Prevention

Reporting Category	2019 Reports	2020 Reports	2021 Reports
Extraterritorial Child Sexual Abuse	683	955	1,624
Child Sex Trafficking	11,798	15,879	16,032
Child Sexual Molestation	4,747	11,770	12,458
Online Enticement of Children for Sexual Acts	19,174	37,872	44,155

Source: United States Department of Justice

In Minot, the number of sex crime cases requiring ICAC support or investigation is growing; however, MPD's work with ICAC is currently on an as-needed basis. Based on the activity in the region, CPSM recommends MPD assign one full-time investigator to the ICAC task force to fulfill its task force obligation while promoting the ICAC initiative throughout the region.

CRIME SCENE RESPONSE UNIT

Recent Supreme Court decisions have resulted in placing tremendous value on physical and corroborative evidence. These court decisions have created a demand for a higher degree of technology on the part of the police laboratory. Therefore, the development of new physical aids, techniques, and methods of analysis has resulted in meeting this need. A laboratory unit is a crucial link in the processing of physical evidence for presentation in the courts since much of the evidence collected in a criminal investigation is sent to the laboratory for analysis and evaluation. However, it is a frequent occurrence that material analysis, or improper packaging methods, destroy valuable evidence.

The two most basic police functions are the protection of lives and property and the maintenance of peace. The third basic job is the investigation aimed at bringing the violator before a court of law with sufficient evidence to convict. The content of this procedural instruction represents the department's efforts to provide guidelines and procedures to facilitate the recognition, collection, and preservation of physical evidence until properly submitted to the proper department unit for analysis and evaluation; thereby assisting in the prosecution of the violator. The following information serves as guidelines to overcome any inadequacies that may be present in the recognition, collection, and preservation of physical evidence.

The Crime Scene Response Unit (CSRU) has been established to provide specialized support to the Investigations Division. The CSRU's function is the documentation, collection, and processing of evidence at the scene of major incidents. MPD utilizes investigators in a collateral capacity utilizing the proper equipment and industry-standard practices to process crime scenes thoroughly and consistently.

MPD's use of the CSRU is initiated by the watch commander and approved by the Investigations Division Commander. In turn, the Investigation's Division Commander will notify and confer with

the CSRU Commander for coordination and response (as per Policy 609.2.2). Personnel chosen for this position are based on job knowledge, and skill sets during an interview process by the CSRU commander. All unit members are required to attend ongoing training related to crime scene investigations; however, there is no documented training matrix nor a state mandate to do so. CPSM recommends that CSRU develop an ongoing training matrix to ensure ongoing professional development. MPD can request additional assistance at major crime scene investigations from the McHenry County Sheriff's Office and the State Attorney General's Bureau of Criminal Investigations (BCI) also offers investigative resources related to Officer Involved Shootings, Force Encounter events, and crime scene investigations with additional resources and specialized equipment.

In a review of the CSRU policy 609.6, we found policy contained the operational essentials for ensuring unit structure, selection, and retention of personnel, as well as activation procedures for on-call personnel. The unit maintains equipment essential for crime scene management and it is overseen and managed by the CID's CSRU sergeant.

The CID lieutenant manages MPD's crime scene duties and is collateral responsibility for CID investigators and other MPD personnel assigned to this unique and specialized team. The CSRU is comprised of officers and detectives from the Minot Police Department. CSRU is capable and equipped to respond to and manage all major crimes, including homicides. CSRU has the authority to request assistance from the State's BCI Unit as an addition to CSRU crime scene investigation resources. These requests are usually limited to supplementing crime scene-related equipment. The North Dakota State Lab is the sole crime lab in North Dakota and every state agency must utilize this for lab services and all crime scene processing is completed by the Minot Police Department's CSRU team.

The responsibilities handled by the county and state resources include:

- Crime scene documentation.
- Collection and processing of evidence at major crime scenes.
- Crime scene photography and evidence processing.
- Recovery of latent fingerprint, footwear, and tire track evidence.
- Homicides.
- Armed robberies.
- Sexual assaults.
- Suspicious deaths.
- Motor vehicle accidents.
- Burglary (breaking & entering).

MPD investigators receive training in the following areas from the Ward County Sheriff and the State's Bureau of Criminal Investigations (BCI):

- Crime Scene Investigations and Evidence Collection.
- Sexual Assault Investigations and Evidence Collection.
- Digital Photography.
- DNA Swabs.

- Fingerprint collection.

CPSM found that CID does not track the number of crime scene responsibilities nor maintain a database of evidence collected; however, these aspects of crime scene investigations are documented in the investigative and supplemental reports.

There are several national associations of crime scene investigations including the Crime Investigation and Forensic Science, Association for Crime Scene Reconstruction, and Forensic Science Association, all of which provide national industry standards in crime scene investigations. These associations highly suggest developing professionally trained personnel (civilian-based) who can respond, collect, and process evidence while working with both the state and county evidence labs. These associations have supported the contemporary approach of developing crime investigators and evidence technicians as standalone units of operations.

Based on current national trends and requirements, CPSM recommends that MPD consider developing a standalone crime scene (civilian) technician unit in support of the continued use of the CSRU component. CPSM found that the CSRU is an industry best practice that advances the professional development of personnel and establishes a skilled workforce capable of managing advanced crime scenes. This recommendation is based on the continually changing legislation, increasing industry standards, and the ongoing impact of new case law involving crime scene investigations combined with the innovations at MPD with the CSRU.

It should be noted that CPSM's review of the CID crime scene investigations, supplemental reports, and activity of work did not produce any negative outcomes or system failures. The recommendations offered in this segment are based on the development of contemporary investigatory services and best practice recommendations by the International Association of Chiefs of Police as well as the growing importance of crime scene investigator certifications and advanced college degrees in this specific and growing field of professionals.

COMMUNITY OUTREACH AND VICTIM ASSISTANCE

Community outreach and victim assistance can often be overlooked, but it is an important part of police work. The relationship between police and their special community organizations is a vital priority in ensuring victims are protected and can be rehabilitated from the harm done to them. Across the United States, individual officers engage in outreach, and many police departments also employ specific programs dedicated to outreach. The importance of community outreach leads to many positive outcomes such as:

- Building trust.
- Decreasing overall crime.
- Combating domestic violence & child abuse.
- Reducing sexual crimes.
- Addressing substance abuse.
- Stopping human trafficking.

The positive impact of community outreach cannot be overstated and should be a top priority for all police organizations. As part of this review, CPSM assessed MPD's use of outreach and

counseling services for victims of crimes who oftentimes are unequipped to search for special services on their own.

CPSM found that the Minot Police Department works closely with several community-based organizations and often MPD personnel serve on the boards of these community organizations. CPSM spoke with two organizations and their response was very positive about the Minot Police Department and its officers and investigators. Examples of the organizations are the Minot Domestic Violence Crisis Center and the Northern Plains Children's Advocacy Center. These organizations provide specialized outreach, trauma support, and counseling for victims of domestic violence, sexual assault, child abuse, and human trafficking. The Minot Police Department must continue to develop partnerships with local community organizations that provide outreach, support, and counseling to the special victims in the region. The MPD should be very proud of its outreach efforts and the ongoing efforts to maintain positive and professional relationships with outreach organizations.

CID CONCLUSION

In the final analysis, CPSM suggests the Minot Police Department undertake a restructure of CID investigator assignments to become more consistent with 21st-century policing strategies to improve public safety practices, reduce crime, and enhance crime prevention strategies. It is recommended that investigators be assigned as specialists to violent and major crimes as well as specialized teams of officers to confront unique crimes and utilize modern intelligence-led strategies.

CPSM recommends the MPD restructure CID in pursuing an intelligence-led policing model suggested by IACP and PERF to pursue career criminals and known suspects to reduce crime. This includes using advanced technology, surveillance techniques, and regional partnerships to leverage resources to reduce violence and stop crime. Finally, MPD should seek out national leadership training courses for frontline personnel, with these courses focused on self-leadership, fortitude, and providing an understanding of today's policing challenges. This will assist in establishing a durable and resilient workforce for the future.

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Criminal Investigations Division Recommendations:

- CPMS recommends the MPD expand its current investigator (600) policy to include specific assignments within CID and define the position of senior/master officer positions. (Recommendation No. 55.)
- CPSM recommends MPD expand Policy 600 and provide a written matrix of detective rotation assignments and the process of how investigators are selected. (Recommendation No. 56.)
- CPSM recommends CID consider a detective rotation schedule of three to five years, with the ability to extend individual rotations based on investigative needs. (Recommendation No. 57.)
- With the constant changes in BWV laws, redacting software, and new technologies by Axon, MPD will need to invest and possibly expand the evidence technician position. CPSM recommends MPD increase the training level of the evidence technician and provide ongoing professional development. (Recommendation No. 58.)
- CPSM recommends CID establish an SOP, inclusive of templates and resources, to further the professional development of all personnel. (Recommendation No. 59.)

- CPSM recommends MPD's CID develop a more comprehensive list of professional training through a training matrix and evaluate the need for additional courses as CID develops new specialized assignments in the future. (Recommendation No. 60.)
- CPSM recommends that CID develop an Excel spreadsheet or other document to track special operations and search warrants involving CID personnel. (Recommendation No. 61.)
- CPSM recommends that as the workspace project is completed MPD should seek out the ability to provide private workspace for sexual assaults and domestic violence detectives with consideration for the sensitive nature of their victim relationships and types of investigations. (Recommendation No. 62.)
- CPSM recommends the MPD consider the reassignment of personnel to structured areas of investigations such as violent and property crimes as well as into smaller workgroups such as burglaries, robberies, sex crimes, thefts, and homicides. (Recommendation No. 63.)
- CPSM recommends MPD to use its RMS to develop a 30- or 60-day reporting system to track updates and progress of investigations. (Recommendation No. 64.)
- CPSM recommends the Minot Police Department develop a database (preferably with the RMS) to track and report on the number of cases assigned to each detective and the number of investigations closed by patrol officers. (Recommendation No. 65.)
- CPSM also recommends that MPD seek out a solution to ensure that the arrests made by warrant service are entered into the RMS system and updated in the county system to better track clearance rates related to warrant arrest. This may be a feature best accomplished by a full-time crime analyst position as recommended in this report. (Recommendation No. 66.)
- CPSM recommends MPD develop a policy with the assistance of Lexipol to guide the Bomb Unit and define operational standards and protocols that meet and exceed industry standards. (Recommendation No. 67.)
- It is recommended that CID assign the narcotics unit to an intelligence-led unit of detectives trained to use 21st-century policing strategies to focus on career criminals, crime trends, and violent crimes. (Recommendation No. 68.)
- It is recommended that MPD utilize one to two former (retired) police officers with investigative experience to assist in evaluating and reviewing unsolved homicides and missing persons cases on an annual and as-needed basis. (Recommendation No. 69.)
- Based on the number of Part I crimes and the number of police officers, CPSM recommends that MPD consider the addition of one full-time or part-time civilian analyst. (Recommendation No. 70.)
- CPMS recommends that the crime analyst receive ongoing professional training from the IACA and other entities. (Recommendation No. 71.)
- CPSM also recommends that MPD continue to develop and advance the role of the evidence technician position by advancing their annual training to include national conferences and out-of-state training with entities such as the Secret Service in order to advance MPD's capabilities. (Recommendation No. 72.)
- CPSM recommends that MPD continue to assign personnel to regional, state, and federal task forces and attempt to ensure full-time commitment when resources are available. (Recommendation No. 73.)

- CPSM recommends MPD assign one full-time investigator to the ICAC task force to fulfill its task force obligation while promoting the ICAC initiative throughout the region. (Recommendation No. 74.)
- CPSM recommends that CSRU develop an ongoing training matrix to ensure ongoing professional development. (Recommendation No. 75.)
- CPSM recommends that MPD consider developing a standalone crime scene (civilian) technician unit in support of the continued use of the CSRU component. (Recommendation No. 76.)
- CPSM recommends the MPD restructure CID in striving for an intelligence-led policing model suggested by IACP and PERF to pursue career criminals and known suspects through intelligence-led strategies. (Recommendation No. 77.)
- MPD should seek out national leadership training courses for frontline personnel, and which are focused on self-leadership, fortitude, and providing an understanding of today's policing challenges. (Recommendation No. 78.)

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SECTION 7. SUMMARY

Overall, our assessment team had a very favorable opinion of the Minot Police Department. We believe it is a department striving to be contemporary and to provide service in a professional manner that suits the needs of the community it serves.

We have made a number of recommendations in this report that we believe will enhance the operational effectiveness of the MPD. Some recommendations can be implemented with minimal effort, while others may require significant effort and investment. The fact that there are a large number of recommendations is in no way an indictment of the department. As noted, we have a high opinion of MPD; we simply make recommendations that we believe will improve the department overall.

These reports are always intended to identify proper staffing. Although this report makes a few recommendations regarding staffing and positions, in general we believe the department is appropriately staffed; at minimum, the workload and policing dynamics are manageable with the current staffing figures. As always, we encourage the department to work to fill its vacancies and thereby increase the level of service it can provide.

We further recognize that implementing many of the recommendations in this report, should the Minot Police Department choose to do so, will take weeks, months, and in some cases years. We would encourage the city and department leadership to work together on identifying those recommendations that are most critical. Also, we would make ourselves available to consult as necessary and appropriate.

Additionally, a comprehensive data analysis report follows. While the more pertinent aspects of that analysis are embedded in the preceding Operational Assessment, readers are encouraged to review the data analysis report in its entirety.

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SECTION 8. DATA ANALYSIS REPORT

This data analysis on police patrol operations for the Minot Police Department focuses on three main areas: workload, deployment, and response times. These three areas are related almost exclusively to patrol operations, which constitute a significant portion of the police department's personnel and financial commitment.

All information in this analysis was developed using data from the police department's computer-aided dispatch (CAD) system.

CPSM collected data for one year from October 1, 2022, through September 30, 2023. The majority of the first section of the report, concluding with Table 8-9, uses call data for one year. For the detailed workload analysis, we used two eight-week sample periods. The first period is from January 4 through February 28, 2023, or winter, and the second period is from July 7 through August 31, 2023, or summer.

WORKLOAD ANALYSIS

When CPSM analyzes a set of dispatch records, we go through a series of steps:

- We first process the data to improve accuracy. For example, we remove duplicate patrol units recorded on a single event as well as records that do not indicate an actual activity. We also remove incomplete data, as found in situations where there is not enough time information to evaluate the record.
- At this point, we have a series of records that we call "events." We identify these events in three ways:
  - We distinguish between patrol and nonpatrol units.
  - We assign a category to each event based on its description.
  - We indicate whether the call is "zero time on scene" (i.e., patrol units spent less than 30 seconds on scene), "police-initiated," or "community-initiated."
- We then remove all records that do not involve a patrol unit to get a total number of patrol-related events.
- At important points during our analysis, we focus on a smaller group of events designed to represent actual calls for service. This excludes events with no officer time spent on scene and directed patrol activities.

In this way, we first identify a total number of records, then limit ourselves to patrol events, and finally focus on calls for service.

As with similar cases around the country, we encountered several issues when analyzing Minot's dispatch data. We made assumptions and decisions to address these issues.

- 596 events (about 2 percent) involved patrol units spending zero time on scene.
- The computer-aided dispatch (CAD) system used approximately 106 different event descriptions, which we condensed into 22 categories for our tables and 11 categories for our figures (shown in Chart 8-1). Table 8-20 in the appendix shows how each call description was categorized.

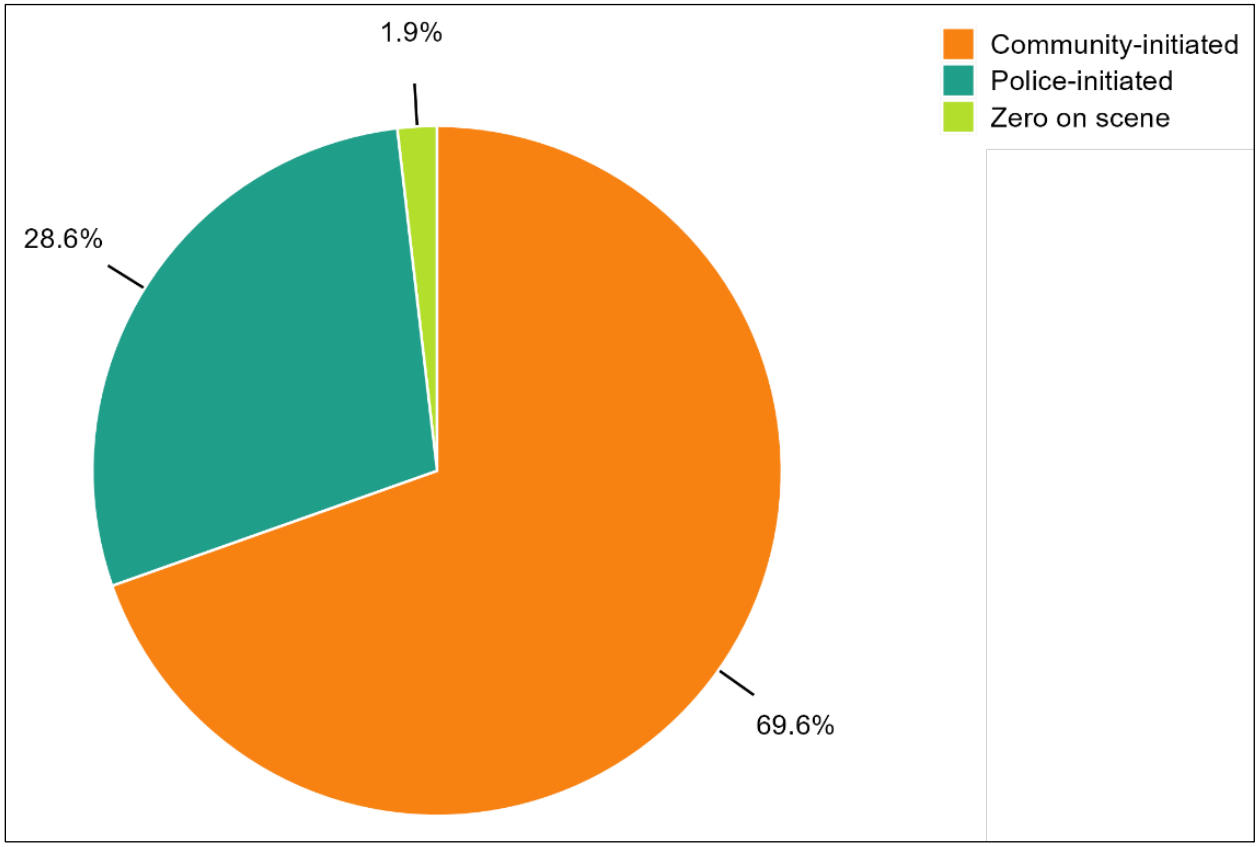
Between October 1, 2022, and September 30, 2023, the communications center recorded approximately 32,206 events that were assigned call numbers, which included an adequate record of a responding patrol unit as either the primary or secondary unit. When measured daily, the department reported an average of 88.2 patrol-related events per day, approximately 2 percent of which (1.6 per day) had fewer than 30 seconds spent on the call.

In the following pages, we show two types of data: activity and workload. The activity levels are measured by the average number of calls per day, broken down by the type and origin of the calls, and categorized by the nature of the calls (crime, traffic, etc.). Workloads are measured in average work hours per day.

CHART 8-1: Event Descriptions for Tables and Figures

Table Category	Figure Category
Alarm	Alarm
Assist other agency	Assist
Assist public	
Special check	Check
Welfare check	
Accident–criminal	Crime
Crime against persons	
Crime against property	
Crime against society	
Traffic enforcement-criminal	
Directed patrol	Directed patrol
Disturbance	Disturbance
Animal call	General noncriminal
Juvenile	
Mental health	
Miscellaneous	
Investigation	Investigation
Suspicious incident	Suspicious incident
Accident	Traffic
Traffic enforcement	
Traffic stop	
Warrant/prisoner/vehicle	Warrant/prisoner/vehicle

FIGURE 8-1: Percentage Events per Day, by Initiator



Note: Percentages are based on a total of 32,206 events.

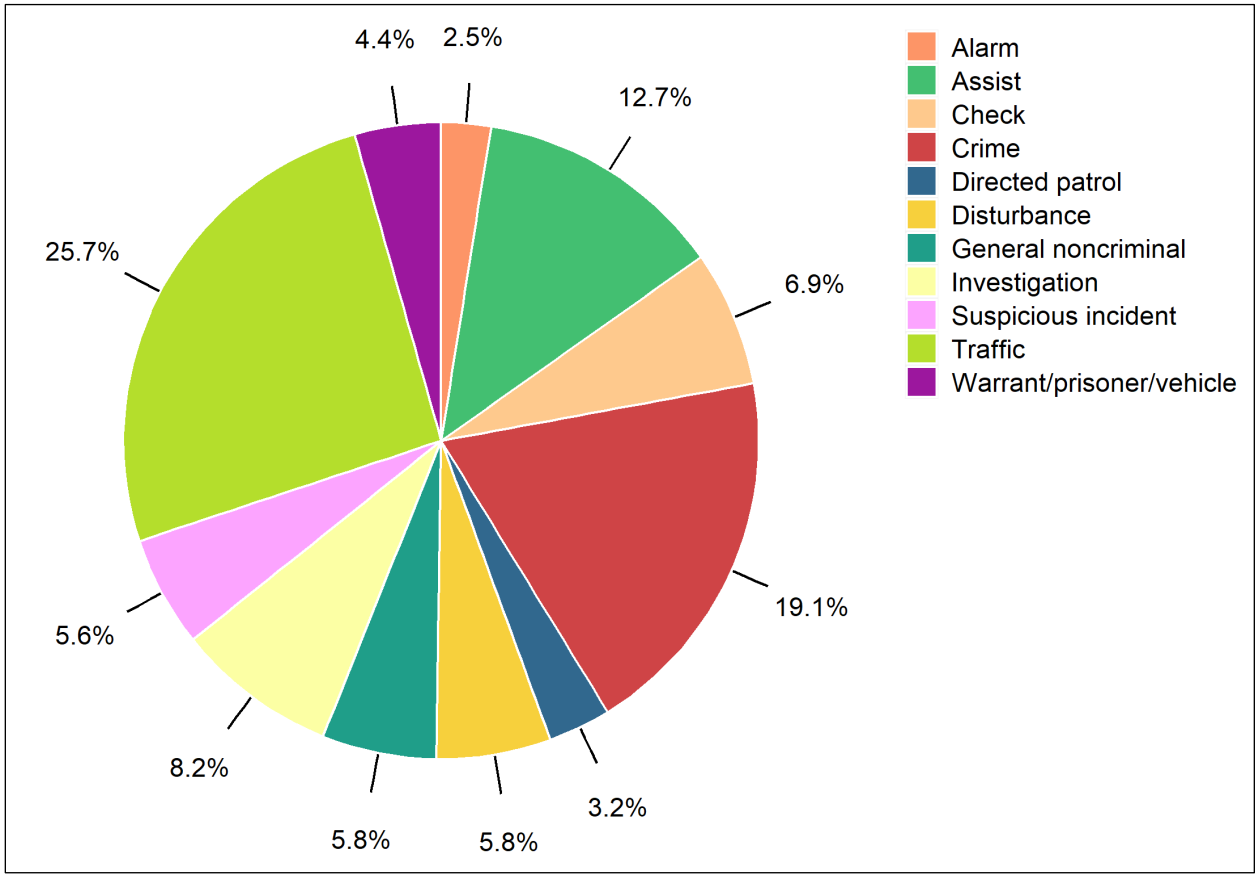
TABLE 8-1: Events per Day, by Initiator

Initiator	No. of Events	Events per Day
Community-initiated	22,413	61.4
Police-initiated	9,197	25.2
Zero on scene	596	1.6
Total	**32,206**	**88.2**

Observations:

- 2 percent of the events had zero time on scene.
- 29 percent of all events were police-initiated.
- 70 percent of all events were community-initiated.
- There was an average of 88 events per day or 3.7 per hour.

FIGURE 8-2: Percentage Events per Day, by Category



Note: The figure combines categories in the following table according to the description in Chart 8-1.

TABLE 8-2: Events per Day, by Category

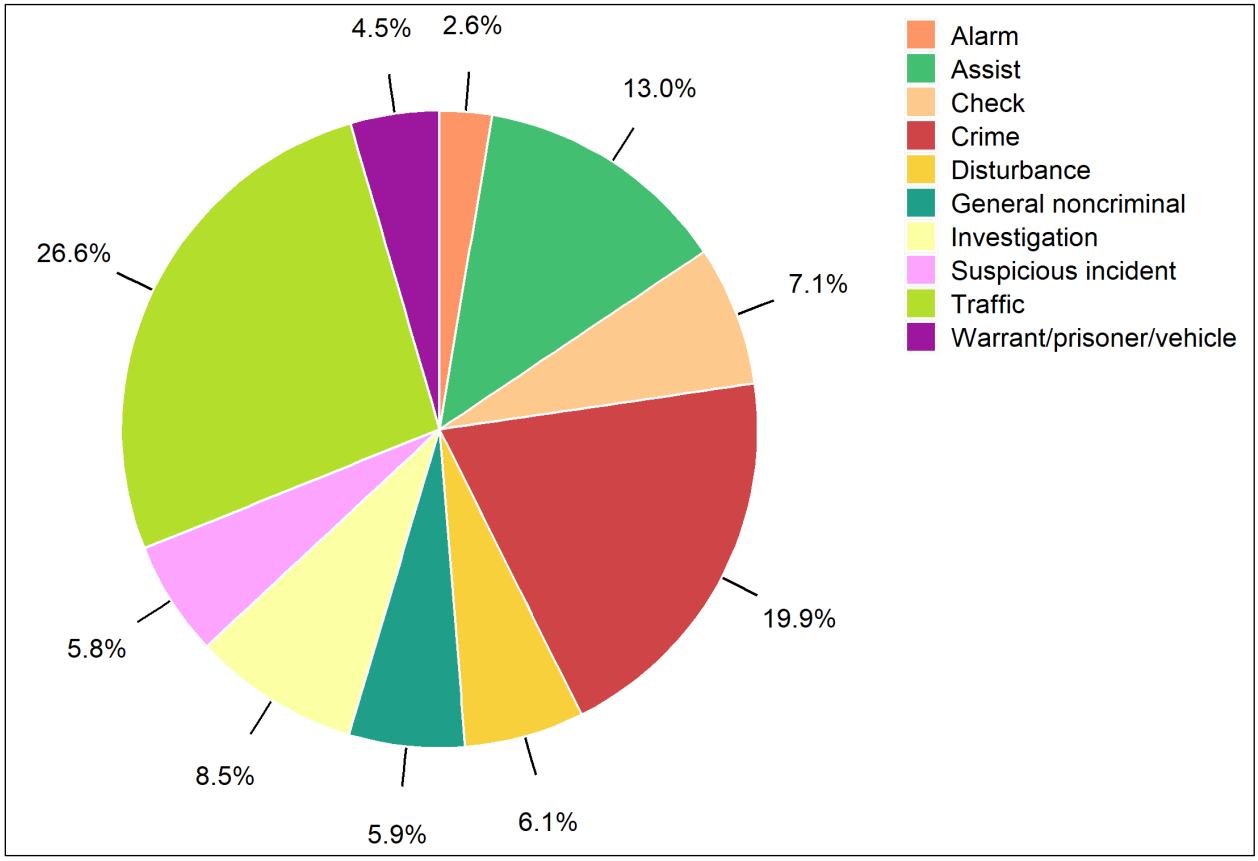
Category	No. of Events	Events per Day
Accident	1,234	3.4
Accident–criminal	372	1.0
Alarm	810	2.2
Animal call	632	1.7
Assist other agency	1,769	4.8
Assist public	2,322	6.4
Crime against persons	1,186	3.2
Crime against property	1,742	4.8
Crime against society	2,057	5.6
Directed patrol	1,029	2.8
Disturbance	1,875	5.1
Investigation	2,637	7.2
Juvenile	780	2.1
Mental health	131	0.4
Miscellaneous	335	0.9
Special check	314	0.9
Suspicious incident	1,817	5.0
Traffic enforcement	1,674	4.6
Traffic enforcement–criminal	799	2.2
Traffic stop	5,369	14.7
Warrant/prisoner/vehicle	1,417	3.9
Welfare check	1,905	5.2
Total	**32,206**	**88.2**

Note: Observations below refer to events shown within the figure rather than the table.

Observations:

- The top three categories accounted for 58 percent of events:
  - 26 percent of events were traffic-related.
  - 19 percent of events were crimes.
  - 13 percent of events were assists.

FIGURE 8-3: Percentage Calls per Day, by Category



Note: The figure combines categories in the following table according to the description in Chart 8-1.

TABLE 8-3: Calls per Day, by Category

Category	No. of Calls	Calls per Day
Accident	1,225	3.4
Accident–criminal	371	1.0
Alarm	807	2.2
Animal call	610	1.7
Assist other agency	1,695	4.6
Assist public	2,270	6.2
Crime against persons	1,171	3.2
Crime against property	1,731	4.7
Crime against society	2,042	5.6
Disturbance	1,861	5.1
Investigation	2,588	7.1
Juvenile	778	2.1
Mental health	130	0.4
Miscellaneous	286	0.8
Special check	298	0.8
Suspicious incident	1,788	4.9
Traffic enforcement	1,566	4.3
Traffic enforcement–criminal	790	2.2
Traffic stop	5,343	14.6
Warrant/prisoner/vehicle	1,386	3.8
Welfare check	1,879	5.1
Total	**30,615**	**83.9**

Note: The focus here is on recorded calls rather than recorded events. We removed 596 events with zero time on scene and another 995 directed patrol activities.

Observations:

- On average, there were 83.9 calls per day, or 3.5 per hour.
- The top four categories accounted for 59 percent of calls:
  - 27 percent of calls were traffic-related.
  - 20 percent of calls were crimes.
  - 13 percent of calls were assists.

FIGURE 8-4: Calls per Day, by Initiator and Month

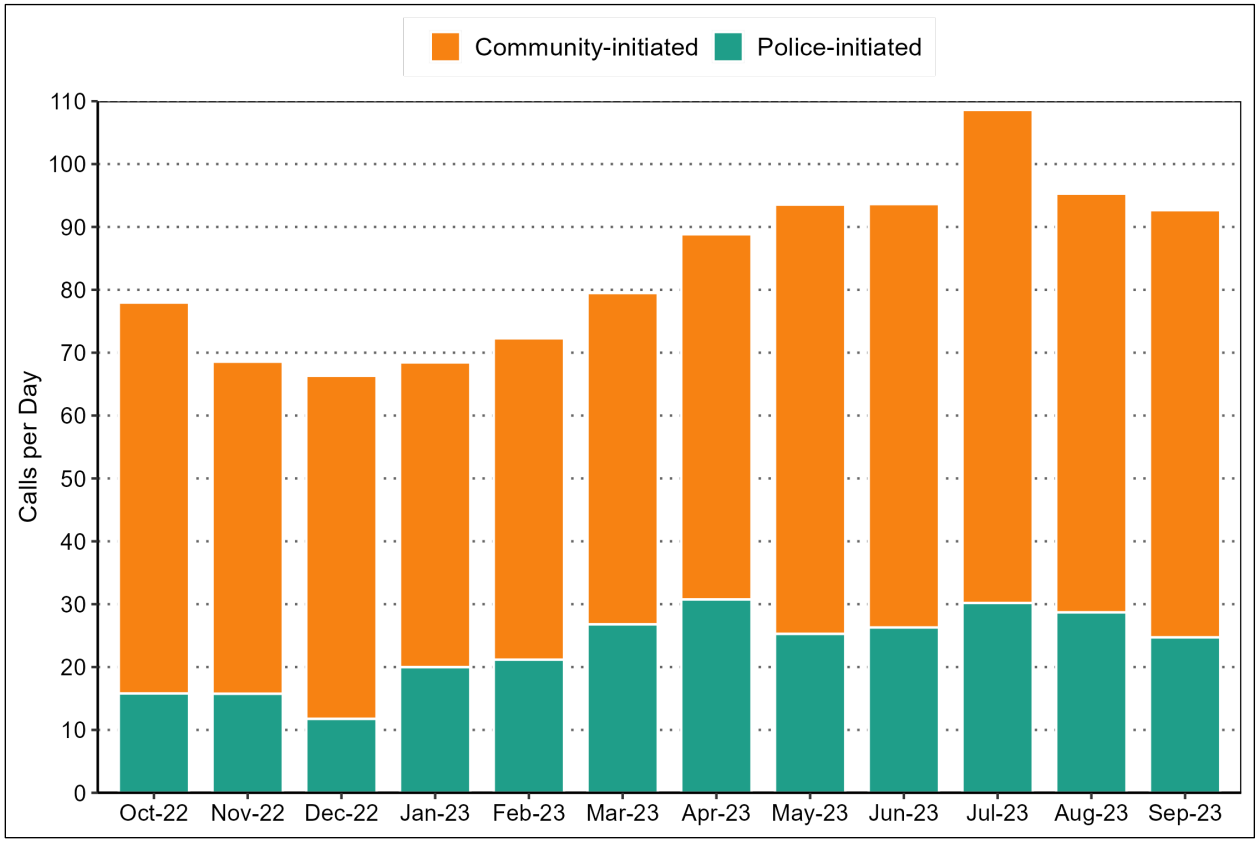


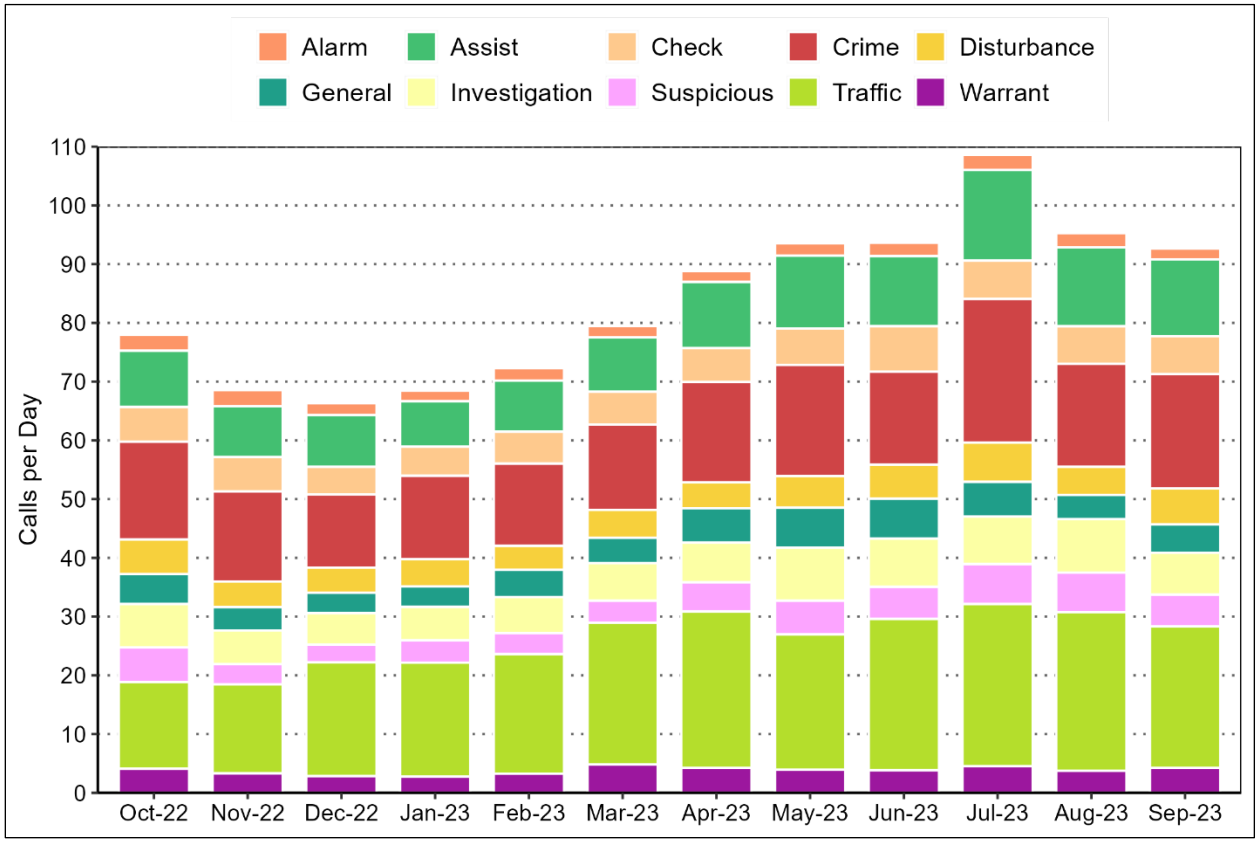
TABLE 8-4: Calls per Day, by Initiator and Month

Initiator	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Community	62.2	52.8	54.5	48.5	51.1	52.7	58.1	68.3	67.3	78.4	66.6	67.9
Police	15.8	15.8	11.8	20.0	21.2	26.8	30.8	25.3	26.3	30.2	28.7	24.7
Total	**78.0**	**68.6**	**66.3**	**68.5**	**72.3**	**79.5**	**88.8**	**93.5**	**93.6**	**108.6**	**95.3**	**92.7**

Observations:

- The number of calls per day was lowest in December.
- The number of calls per day was highest in July.
- The months with the most calls had 64 percent more calls than the months with the fewest calls.
- April had the most police-initiated calls with 161 percent more than December, which had the fewest.
- July had the most community-initiated calls with 62 percent more than January, which had the fewest.

FIGURE 8-5: Calls per Day, by Category and Month



Note: The figure combines categories in the following table according to the description in Chart 8-1.

TABLE 8-5: Calls per Day, by Category and Month

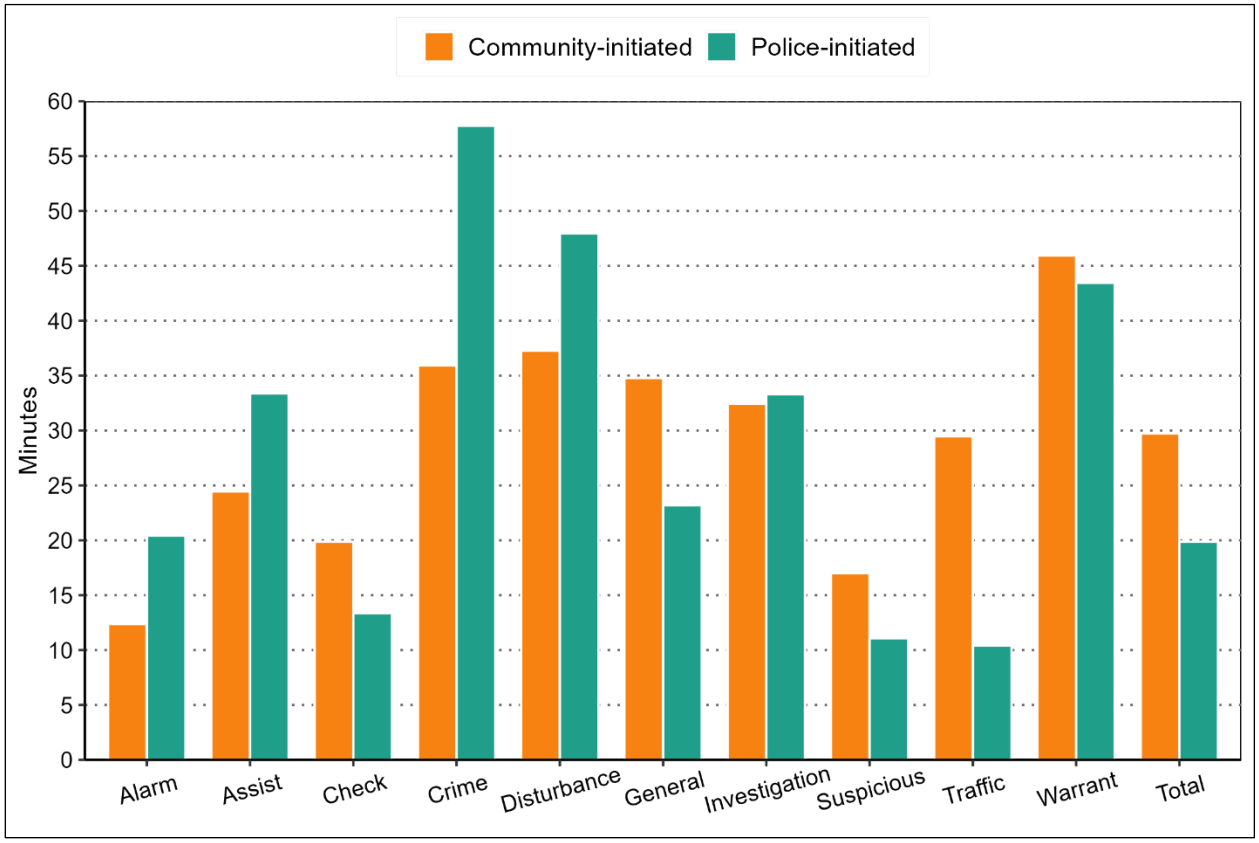
Category	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Accident	2.9	3.7	5.9	3.0	3.5	3.0	2.5	3.3	2.9	2.9	3.2	3.4
Accident–criminal	0.9	1.2	1.2	0.8	0.9	1.1	1.3	0.7	0.9	1.2	1.0	1.2
Alarm	2.7	2.8	2.0	1.8	2.1	2.0	1.9	2.1	2.3	2.6	2.5	1.9
Animal call	2.0	1.2	1.4	0.8	1.1	1.2	2.0	2.0	3.1	2.2	1.4	1.6
Assist other agency	3.5	3.6	4.8	3.7	3.8	4.0	4.9	6.0	4.2	6.2	5.6	5.2
Assist public	6.0	5.0	4.0	4.0	5.0	5.3	6.3	6.4	7.8	9.2	7.8	7.8
Crime against persons	3.7	2.8	2.1	3.0	2.4	3.1	3.1	3.9	2.8	4.2	3.5	3.8
Crime against property	4.8	5.1	3.9	4.2	3.6	3.5	4.5	6.3	4.4	5.3	5.1	6.1
Crime against society	5.7	4.8	4.2	4.2	4.5	3.7	5.0	5.7	5.9	11.1	5.7	6.5
Disturbance	5.9	4.4	4.3	4.6	4.1	4.7	4.4	5.4	5.8	6.7	4.8	6.1
Investigation	7.4	5.7	5.4	5.7	6.1	6.4	6.8	9.0	8.2	8.1	9.1	7.1
Juvenile	2.2	1.9	1.3	1.5	2.5	2.1	2.6	3.1	2.6	2.5	1.5	1.6
Mental health	0.3	0.2	0.3	0.5	0.5	0.4	0.4	0.5	0.3	0.3	0.3	0.3
Miscellaneous	0.6	0.7	0.5	0.6	0.5	0.7	0.8	1.3	0.8	0.9	0.9	1.2
Special check	0.7	1.5	0.4	1.0	0.8	0.8	1.1	0.5	0.9	0.8	0.9	0.4
Suspicious incident	5.9	3.4	3.0	3.8	3.6	3.8	5.0	5.7	5.5	6.8	6.7	5.4
Traffic enforcement	2.5	3.6	8.0	4.0	3.9	4.0	3.8	4.0	4.9	4.9	3.8	4.0
Traffic enforcement–criminal	1.5	1.5	1.0	2.0	2.6	3.1	3.2	2.4	1.9	2.7	2.2	2.0
Traffic stop	9.4	7.9	5.5	12.4	13.0	17.1	20.3	15.8	17.9	19.8	20.0	16.6
Warrant/prisoner/vehicle	4.1	3.3	2.8	2.7	3.2	4.8	4.2	3.9	3.8	4.5	3.7	4.2
Welfare check	5.2	4.4	4.3	3.9	4.6	4.8	4.7	5.7	6.8	5.7	5.5	6.1
Total	**78.0**	**68.6**	**66.3**	**68.5**	**72.3**	**79.5**	**88.8**	**93.5**	**93.6**	**108.6**	**95.3**	**92.7**

Note: Calculations were limited to calls rather than events.

Observations:

- The top three categories averaged between 53 and 62 percent of calls throughout the year.
  - Traffic calls averaged between 14.7 and 27.6 calls per day throughout the year.
  - Crime calls averaged between 12.5 and 24.5 calls per day throughout the year.
  - Assist calls averaged between 7.7 and 15.4 calls per day throughout the year.
- Crime calls accounted for 17 to 23 percent of total calls.

FIGURE 8-6: Primary Unit's Average Occupied Times, by Category and Initiator



Note: The figure combines categories using weighted averages from the following table according to the description in Chart 8-1.

TABLE 8-6: Primary Unit's Average Occupied Times, by Category and Initiator

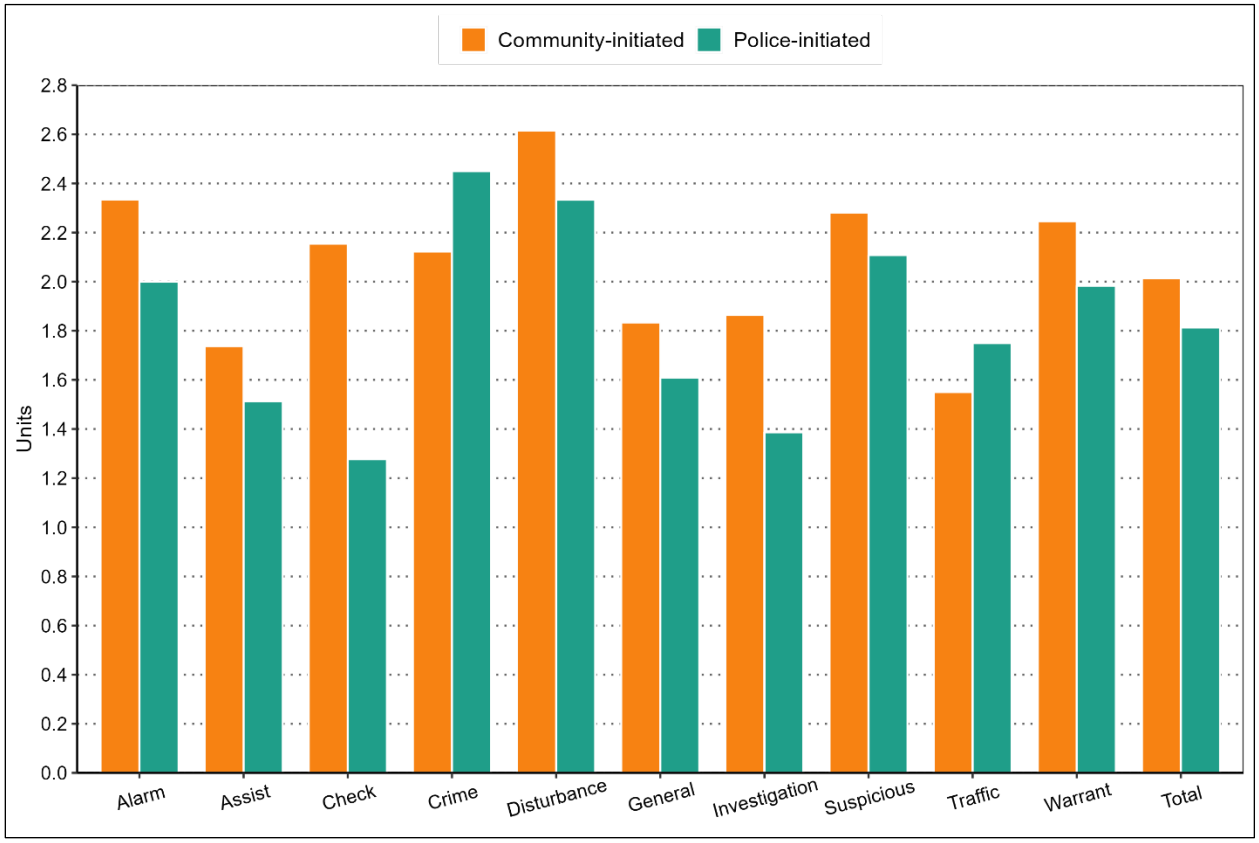
Category	Community-Initiated		Police-Initiated	
	Minutes	Calls	Minutes	Calls
Accident	42.8	1,185	40.4	40
Accident–criminal	40.3	363	47.1	8
Alarm	12.4	806	20.4	1
Animal call	20.1	588	10.9	22
Assist other agency	25.3	1,626	59.9	69
Assist public	23.8	2,154	17.6	116
Crime against persons	40.7	1,152	136.1	19
Crime against property	35.3	1,708	41.4	23
Crime against society	29.4	1,868	45.2	174
Disturbance	37.3	1,840	48.0	21
Investigation	32.4	2,151	33.3	437
Juvenile	35.0	764	46.9	14
Mental health	122.3	123	83.2	7
Miscellaneous	24.4	224	15.5	62
Special check	14.2	102	11.6	196
Suspicious incident	17.0	1,548	11.1	240
Traffic enforcement	16.9	1,252	15.3	314
Traffic enforcement–criminal	89.1	118	59.5	672
Traffic stop	NA	0	9.9	5,343
Warrant/prisoner/vehicle	45.9	777	43.5	609
Welfare check	20.2	1,830	20.3	49
Weighted Average/Total Calls	**29.7**	**22,179**	**19.9**	**8,436**

Note: The information in Figure 8-6 and Table 8-6 is limited to calls and excludes all events that show zero time on scene. A unit's occupied time is measured as the time from when the unit was dispatched until the unit becomes available again. The times shown are the average occupied minutes per call for the primary unit, rather than the total occupied minutes for all units assigned to a call. Observations below refer to times shown within the figure rather than the table.

Observations:

- A unit's average time spent on a call ranged from 10 to 58 minutes overall.
- The longest average times were for police-initiated crime calls.
- The average time spent on crime calls was 36 minutes for community-initiated calls and 58 minutes for police-initiated calls.

FIGURE 8-7: Number of Responding Units, by Initiator and Category



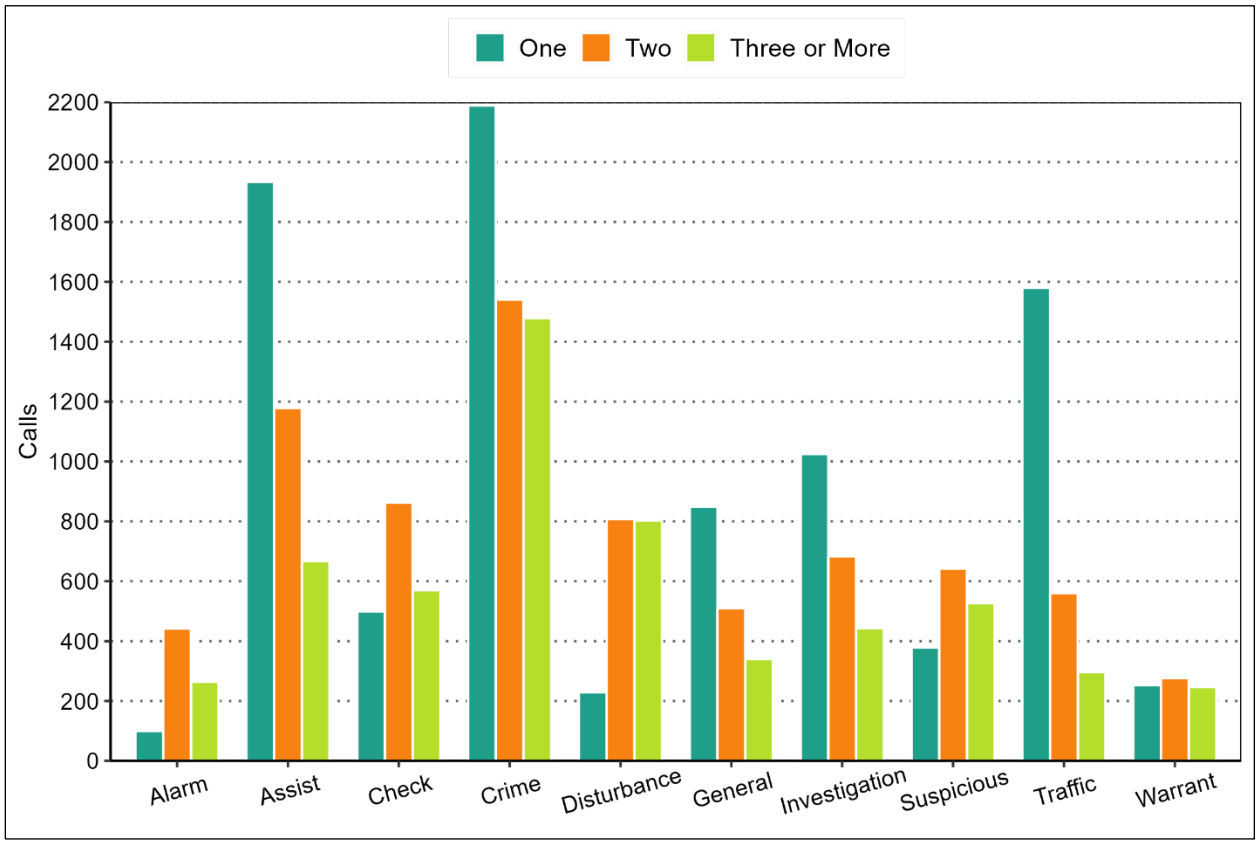
Note: The figure combines categories using weighted averages from the following table according to the description in Chart 8-1.

TABLE 8-7: Average Number of Responding Units, by Initiator and Category

Category	Community-Initiated		Police-Initiated	
	No. of Units	Calls	No. of Units	Calls
Accident	1.6	1,185	1.8	40
Accident–criminal	1.6	363	2.8	8
Alarm	2.3	806	2.0	1
Animal call	1.4	588	1.3	22
Assist other agency	1.9	1,626	1.7	69
Assist public	1.6	2,154	1.4	116
Crime against persons	1.8	1,152	1.5	19
Crime against property	1.9	1,708	1.7	23
Crime against society	2.6	1,868	2.8	174
Disturbance	2.6	1,840	2.3	21
Investigation	1.9	2,151	1.4	437
Juvenile	2.1	764	1.9	14
Mental health	3.1	123	3.6	7
Miscellaneous	1.6	224	1.4	62
Special check	1.2	102	1.1	196
Suspicious incident	2.3	1,548	2.1	240
Traffic enforcement	1.5	1,252	1.5	314
Traffic enforcement–criminal	3.1	118	2.4	672
Traffic stop	NA	0	1.8	5,343
Warrant/prisoner/vehicle	2.2	777	2.0	609
Welfare check	2.2	1,830	1.8	49
Weighted Average/Total Calls	**2.0**	**22,179**	**1.8**	**8,436**

Note: The information in Figure 8-7 and Table 8-7 is limited to calls and excludes all events that show zero time on scene. Observations refer to the number of responding units shown within the figure rather than the table.

FIGURE 8-8: Number of Responding Units, by Category, Community-initiated Calls



Note: The figure combines categories using weighted averages from the following table according to the description in Chart 8-1.

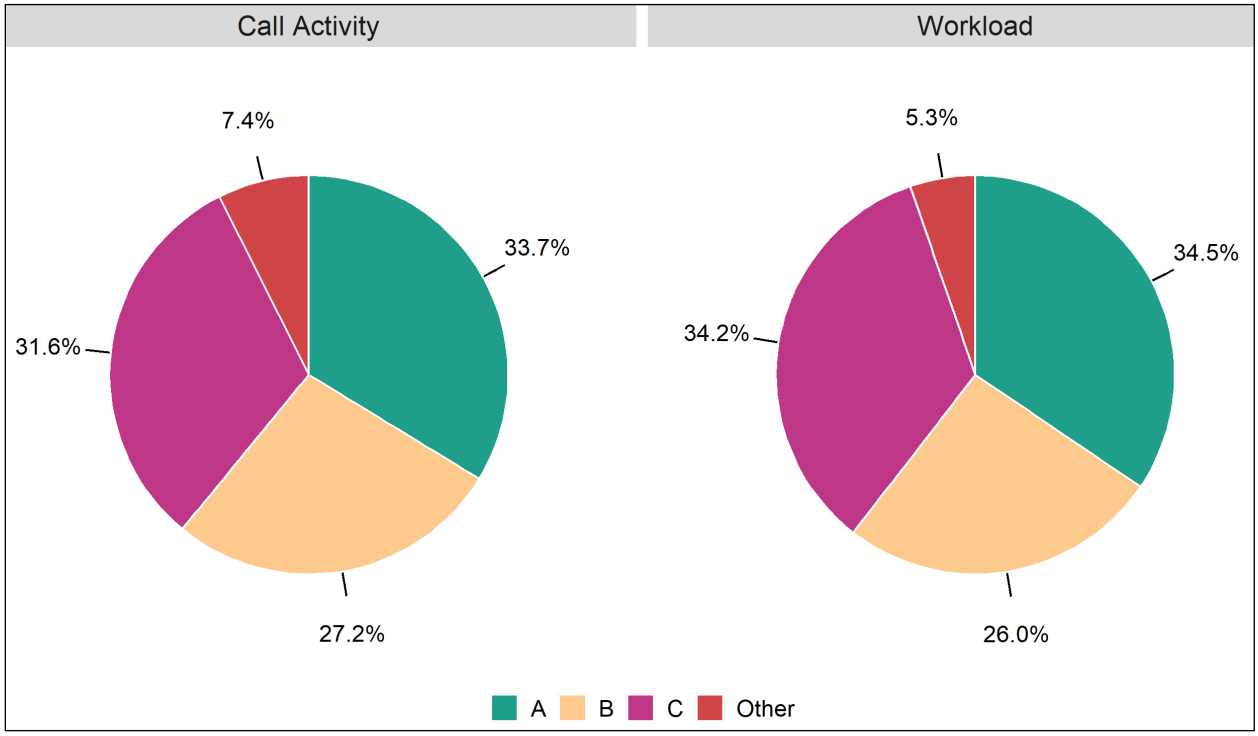
TABLE 8-8: Number of Responding Units, by Category, Community-initiated Calls

Category	Responding Units		
	One	Two	Three or More
Accident	736	265	184
Accident–criminal	225	89	49
Alarm	100	442	264
Animal call	408	136	44
Assist other agency	665	566	395
Assist public	1,269	613	272
Crime against persons	693	266	193
Crime against property	834	511	363
Crime against society	430	635	803
Disturbance	229	808	803
Investigation	1,025	683	443
Juvenile	290	281	193
Mental health	9	37	77
Miscellaneous	142	56	26
Special check	88	8	6
Suspicious incident	379	642	527
Traffic enforcement	844	295	113
Traffic enforcement–criminal	7	40	71
Warrant/prisoner/vehicle	253	277	247
Welfare check	411	855	564
Total	**9,037**	**7,505**	**5,637**

Observations:

- The overall mean number of responding units was 1.8 for police-initiated calls and 2.0 for community-initiated calls.
- The mean number of responding units was as high as 2.6 for disturbance calls that were community-initiated.
- 41 percent of community-initiated calls involved one responding unit.
- 34 percent of community-initiated calls involved two responding units.
- 25 percent of community-initiated calls involved three or more responding units.
- The largest group of calls with three or more responding units involved crimes.

FIGURE 8-9: Percentage Calls and Work Hours, by Beat



Note: The "other" category includes calls at headquarters, miscellaneous beats, and calls missing beats. About 94 percent of calls in the miscellaneous category were in beat "P2," which is the Ward County Sheriff's Office beat in the Minot area.

TABLE 8-9: Calls and Work Hours by Beat, per Day

Beat	Per Day	
	Calls	Work Hours
A	28.3	23.6
B	22.8	17.8
C	26.5	23.4
HQ	4.0	2.2
Miscellaneous	1.7	0.9
Unknown	0.5	0.5
Total	**83.9**	**68.5**

Observations:

- Beat A had the most calls, which accounted for approximately 34 percent of total calls.
- Beat A and C had larger workloads than beat B, with each accounting for approximately 34 percent of the total workload.

FIGURE 8-10: Percentage Calls and Work Hours, by Category, Winter 2023

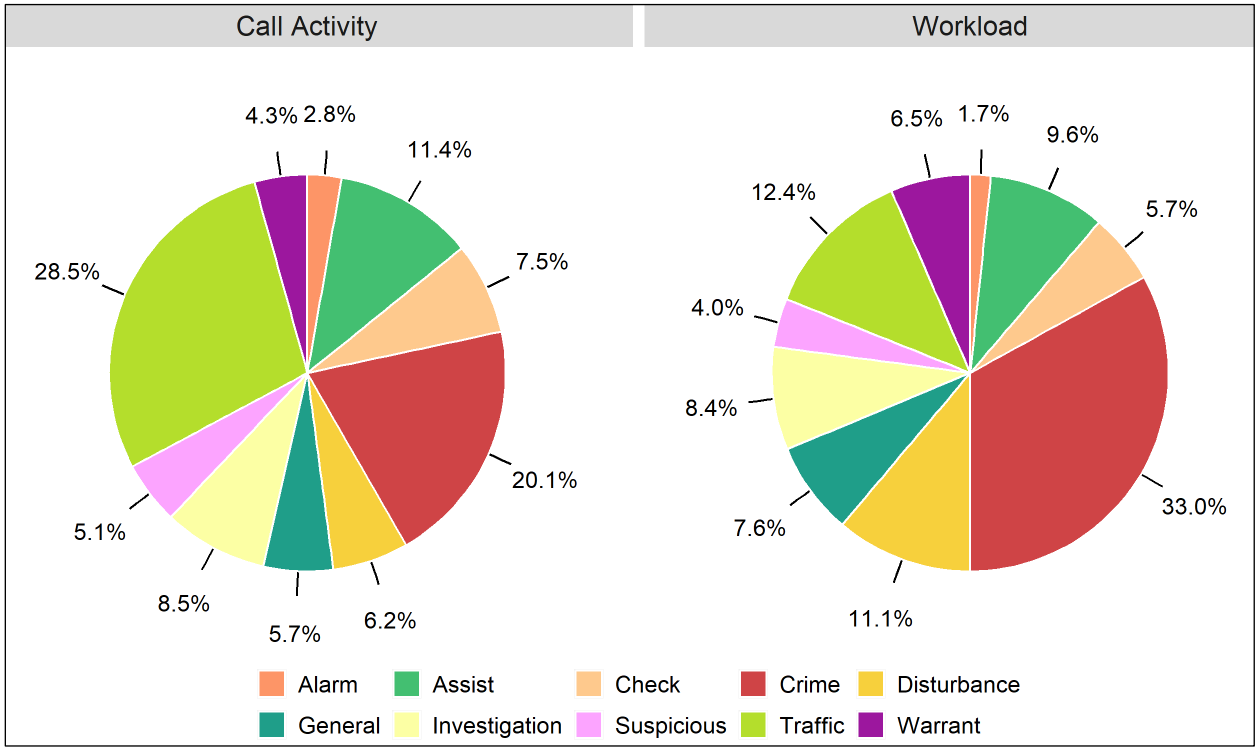


TABLE 8-10: Calls and Work Hours per Day, by Category, Winter 2023

Category	Per Day	
	Calls	Work Hours
Accident	3.2	2.8
Accident–criminal	0.8	0.8
Alarm	2.0	1.0
Animal call	1.0	0.3
Assist other agency	3.6	3.1
Assist public	4.4	2.6
Crime against persons	2.7	5.4
Crime against property	4.0	4.0
Crime against society	4.4	5.7
Disturbance	4.4	6.6
Investigation	6.0	5.0
Juvenile	2.0	2.1
Mental health	0.4	1.5
Miscellaneous	0.6	0.6
Special check	0.9	0.3
Suspicious incident	3.6	2.4
Traffic enforcement	4.0	1.4
Traffic enforcement–criminal	2.3	3.8
Traffic stop	13.0	3.2
Warrant/prisoner/vehicle	3.1	3.9
Welfare check	4.3	3.1
Total	**70.8**	**59.5**

Note: Workload calculations focused on calls rather than events.

Observations, Winter:

- Total calls averaged 71 per day or 2.9 per hour.
- The total workload averaged nearly 60 hours per day, meaning that on average 2.5 units per hour were busy responding to calls.
- Traffic calls constituted 28 percent of calls and 12 percent of workload.
- Crime calls constituted 20 percent of calls and 33 percent of workload.
- Assist calls constituted 11 percent of calls and 10 percent of workload.
- These top three categories constituted 60 percent of calls and 55 percent of workload.

FIGURE 8-11: Percentage Calls and Work Hours, by Category, Summer 2023

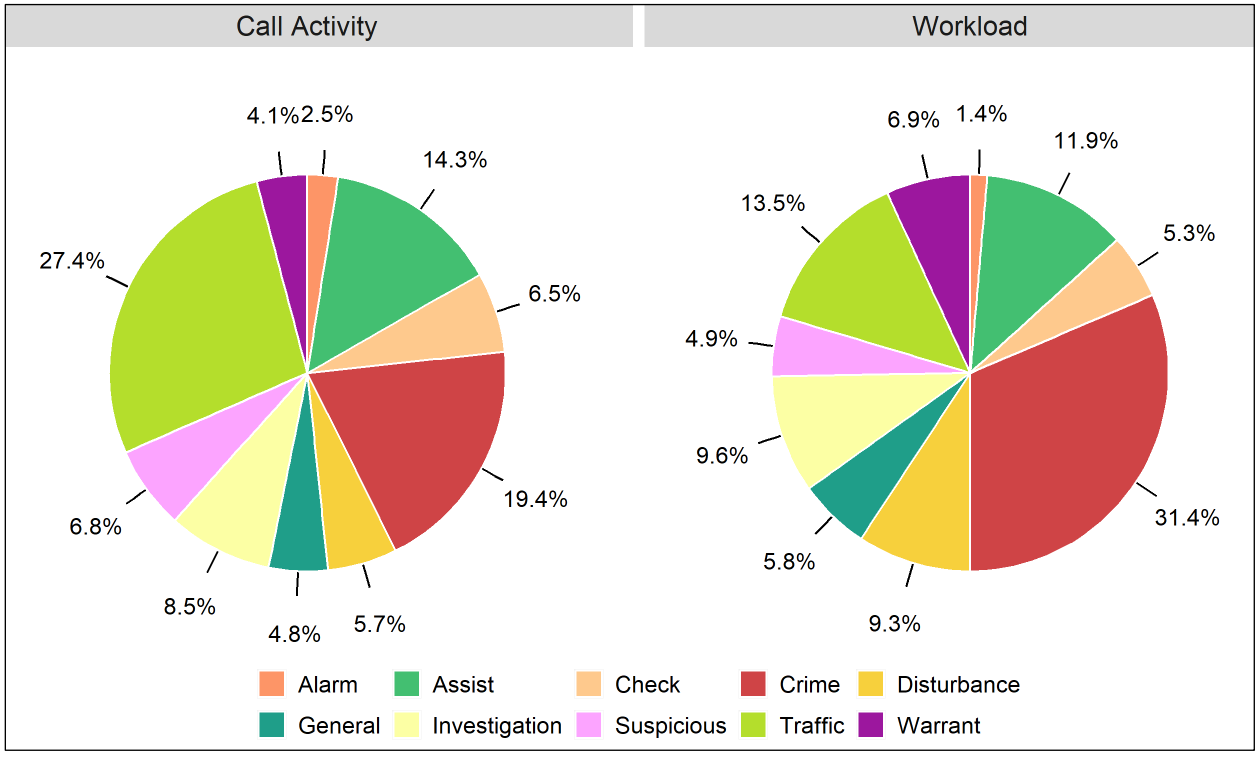


TABLE 8-11: Calls and Work Hours per Day, by Category, Summer 2023

Category	Per Day	
	Calls	Work Hours
Accident	3.1	3.8
Accident–criminal	1.1	0.8
Alarm	2.6	1.1
Animal call	1.7	0.8
Assist other agency	6.1	4.7
Assist public	8.6	4.6
Crime against persons	4.0	5.2
Crime against property	5.3	5.7
Crime against society	7.1	8.0
Disturbance	5.8	7.3
Investigation	8.8	7.5
Juvenile	2.0	2.0
Mental health	0.3	1.4
Miscellaneous	0.9	0.4
Special check	0.9	0.2
Suspicious incident	6.9	3.8
Traffic enforcement	4.5	1.8
Traffic enforcement–criminal	2.4	4.8
Traffic stop	20.6	5.0
Warrant/prisoner/vehicle	4.2	5.4
Welfare check	5.8	4.0
Total	**102.6**	**78.4**

Note: Workload calculations focused on calls rather than events.

Observations, Summer:

- The average number of calls per day and the average daily workload were higher in summer than in winter.
- Total calls averaged 103 per day or 4.3 per hour.
- The total workload averaged 78 hours per day, meaning that on average 3.3 units per hour were busy responding to calls.
- Traffic calls constituted 27 percent of calls and 14 percent of workload.
- Crime calls constituted 19 percent of calls and 31 percent of workload.
- Assist calls constituted 14 percent of calls and 12 percent of workload.
- These top three categories constituted 61 percent of calls and 57 percent of workload.

NONCALL ACTIVITIES

In the period from October 1, 2022, through September 30, 2023, the dispatch center also recorded activities that were not assigned incident numbers. We focused on those activities that involved a patrol unit. We also limited our analysis to activities that occurred during shifts where the same patrol unit was also responding to calls for service. There were a few problems with the data provided and we made assumptions and decisions to address these issues:

- We excluded activities that lasted less than 30 seconds. These are irrelevant and contribute little to the overall workload.
- After these exclusions, 5,478 activities remained. These activities had an average duration of 33.2 minutes.

In this section, we report activities and workload by descriptions. In the next section, we include these activities in the overall workload when comparing the total workload against available personnel in winter and summer.

TABLE 8-12: Activities and Occupied Times by Description

Description	Occupied Time	Count
Out of Service	33.3	2,563
Repairs	5.1	4
Reports	24.6	44
Training	100.6	204
Administrative - Weighted Average/Total Activities	**38.0**	**2,815**
Personal - Lunch	28.1	2,663
Weighted Average/Total Calls	**33.2**	**5,478**

Observations:

- The most common administrative description was "out of service."
- The activities with the longest average time were described as "training."

FIGURE 8-12: Activities per Day, by Month

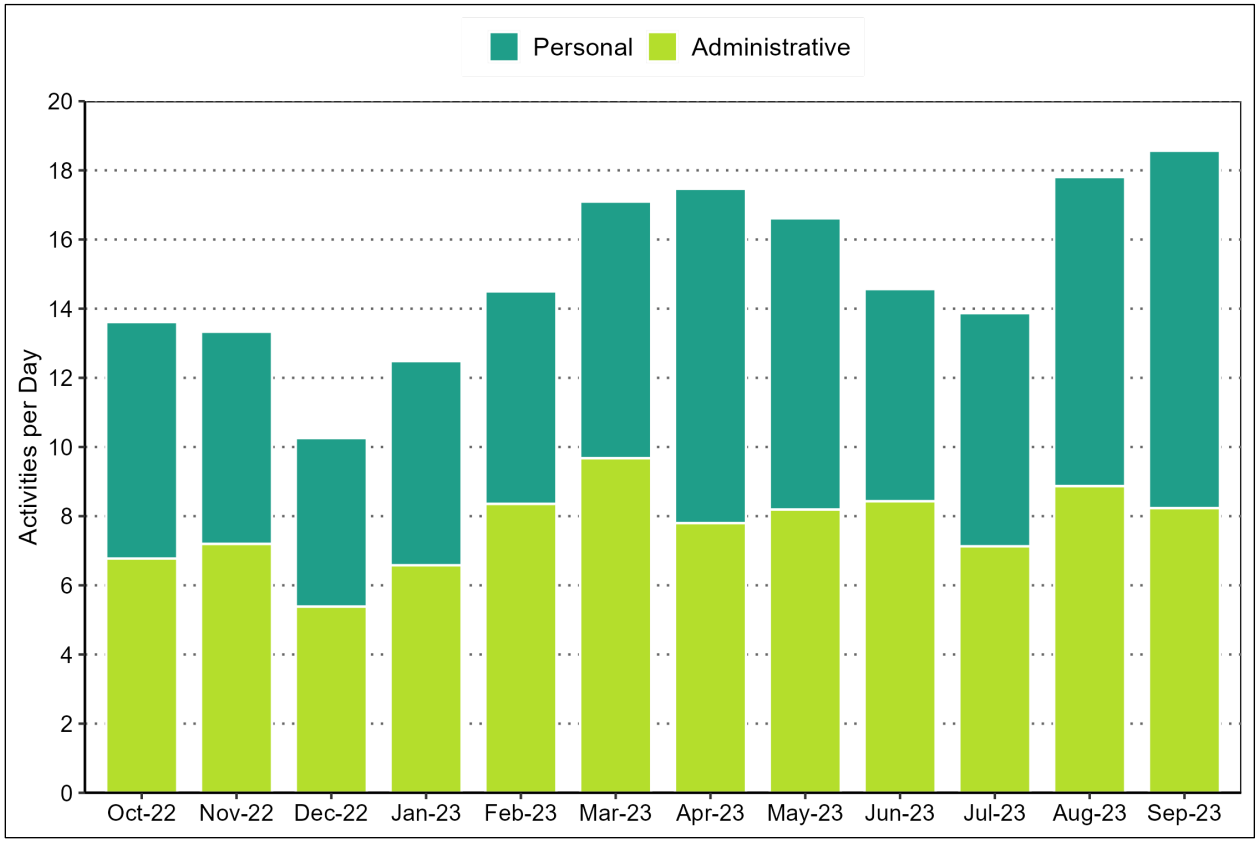


TABLE 8-13: Activities and Workload per Day, by Month

Activities	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Personal	6.8	7.2	5.4	6.6	8.4	9.7	7.8	8.2	8.4	7.1	8.9	8.2
Administrative	6.8	6.1	4.9	5.9	6.1	7.4	9.7	8.4	6.1	6.7	8.9	10.3
Total	**13.6**	**13.3**	**10.3**	**12.5**	**14.5**	**17.1**	**17.5**	**16.6**	**14.6**	**13.9**	**17.8**	**18.6**

Observations:

- The number of activities per day was the lowest in December.
- The number of activities per day was highest in September.

FIGURE 8-13: Activities per Day, by Day of Week

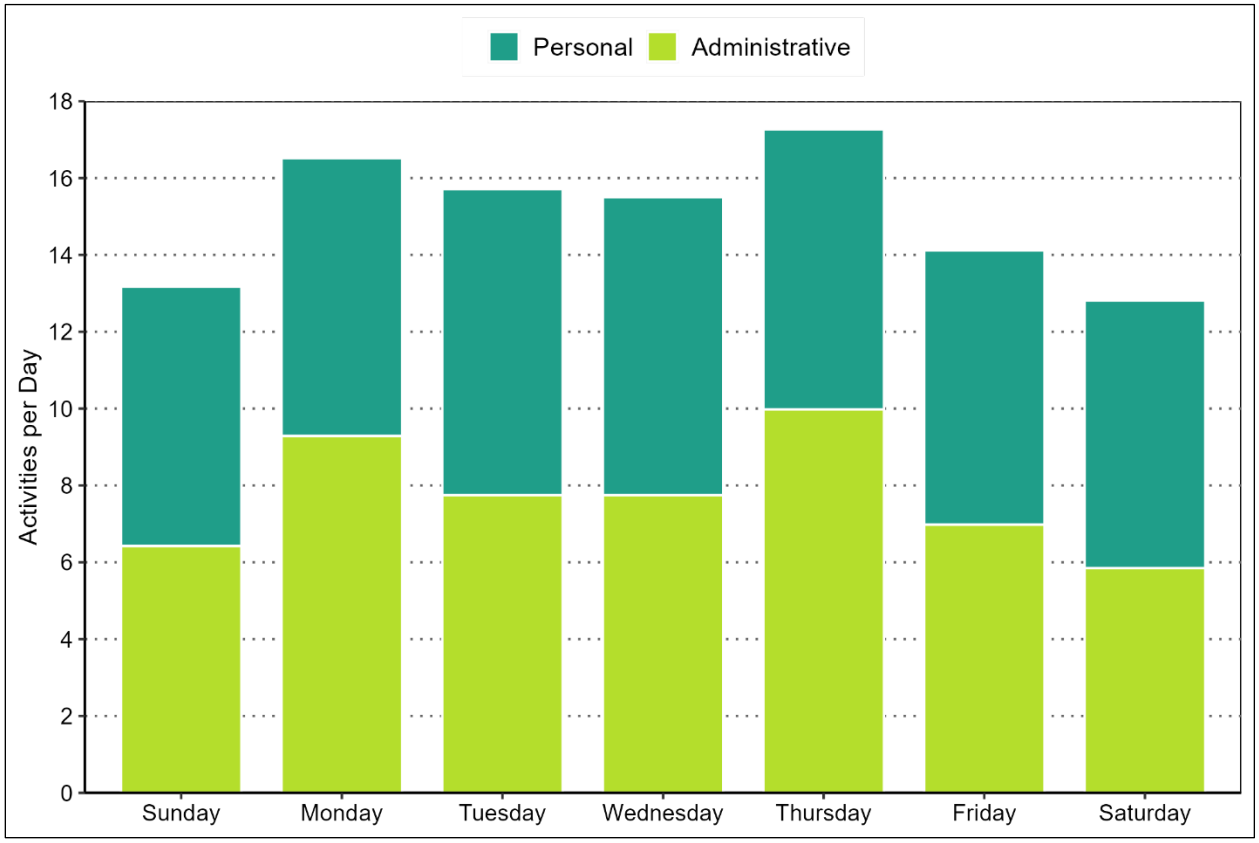


TABLE 8-14: Activities per Day, by Day of Week

Day of Week	Administrative	Personal	Activities per Day
Sunday	6.4	6.8	13.2
Monday	9.3	7.2	16.5
Tuesday	7.8	8.0	15.7
Wednesday	7.8	7.8	15.5
Thursday	10.0	7.3	17.3
Friday	7.0	7.1	14.1
Saturday	5.8	7.0	12.8
Weekly Average	**7.7**	**7.3**	**15.0**

Observations:

- The number of out-of-service activities per day was lowest on weekends.
- The number of out-of-service activities per day was highest on Thursdays.

FIGURE 8-14: Activities per Day, by Hour of Day

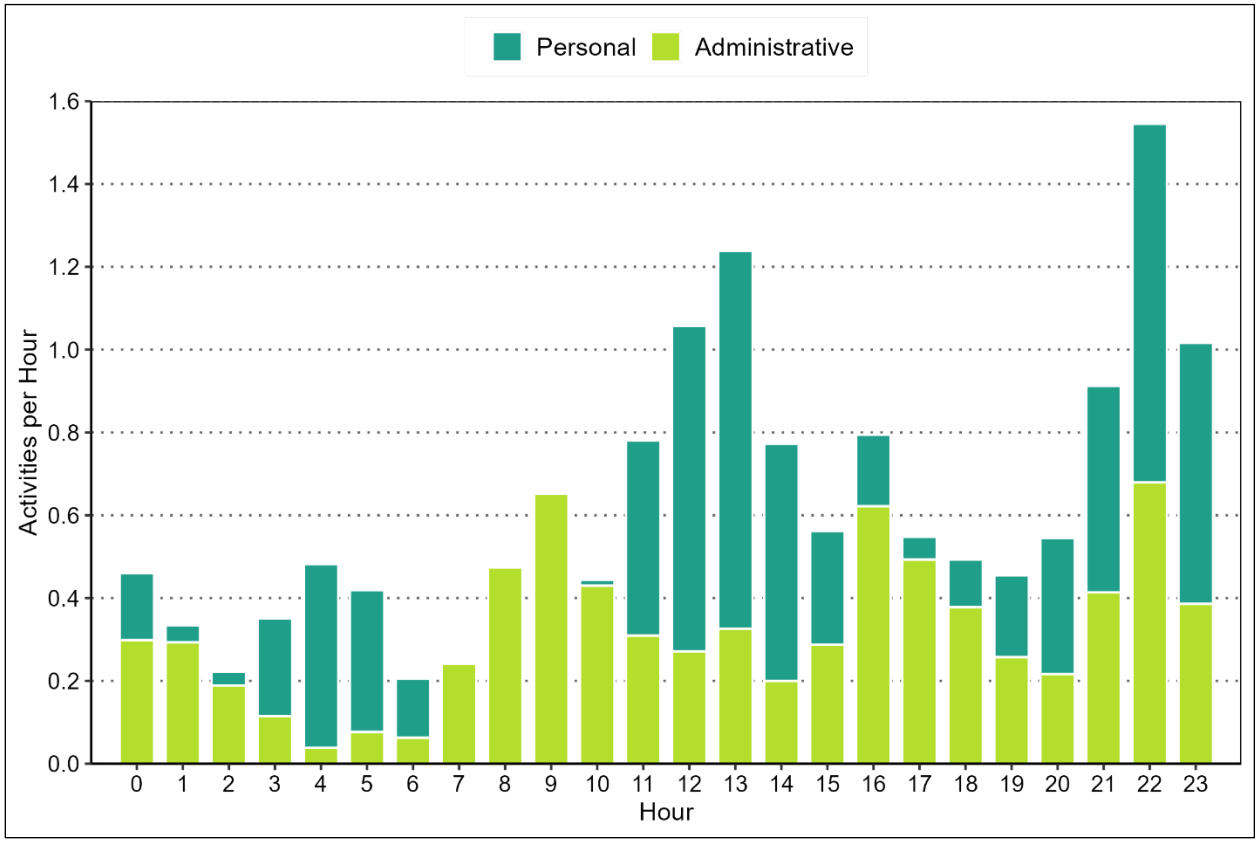


TABLE 8-15: Activities per Hour, by Hour of Day

Hour	Personal	Administrative	Total
0	0.16	0.30	0.46
1	0.04	0.29	0.33
2	0.03	0.19	0.22
3	0.24	0.12	0.35
4	0.44	0.04	0.48
5	0.34	0.08	0.42
6	0.14	0.06	0.21
7	0.00	0.24	0.24
8	0.00	0.47	0.48
9	0.00	0.65	0.65
10	0.01	0.43	0.44
11	0.47	0.31	0.78
12	0.79	0.27	1.06
13	0.91	0.33	1.24
14	0.57	0.20	0.77
15	0.27	0.29	0.56
16	0.17	0.62	0.79
17	0.05	0.49	0.55
18	0.12	0.38	0.49
19	0.20	0.26	0.45
20	0.33	0.22	0.55
21	0.50	0.41	0.91
22	0.87	0.68	1.55
23	0.63	0.39	1.02
Hourly Average	**0.30**	**0.32**	**0.63**

Observations:

- The number of activities per hour was lowest between 6:00 a.m. and 7:00 a.m.
- The number of activities per hour was highest between 10:00 p.m. and 11:00 p.m.

DEPLOYMENT

For this study, we examined deployment information for eight weeks in winter (January 4 through February 28, 2023) and eight weeks in summer (July 7 through August 31, 2023). The department's main patrol force consists of patrol officers, operating on 10-hour shifts starting at 7:30 a.m., 4:00 p.m., and 10:00 p.m. The police department's main patrol force deployed an average of 6.3 officers per hour during the 24-hour day in winter 2023 and an average of 7.0 officers per hour in summer 2023. When patrol sergeants were included, the department averaged 7.9 units per hour during the 24-hour day in winter 2023 and 8.6 units in summer 2023.

In this section, we describe the deployment and workload in distinct steps, distinguishing between winter and summer and between weekdays (Monday through Friday) and weekends (Saturday and Sunday):

- First, we focus on patrol deployment alone.
- Next, we compare "all" workload, which includes community-initiated calls, police-initiated calls, directed patrol activities, and out-of-service activities.
- Finally, we compare the workload against deployment by percentage.

Comments follow each set of four figures, with separate discussions for summer and winter.

FIGURE 8-15: Deployed Officers, Weekdays, Winter 2023

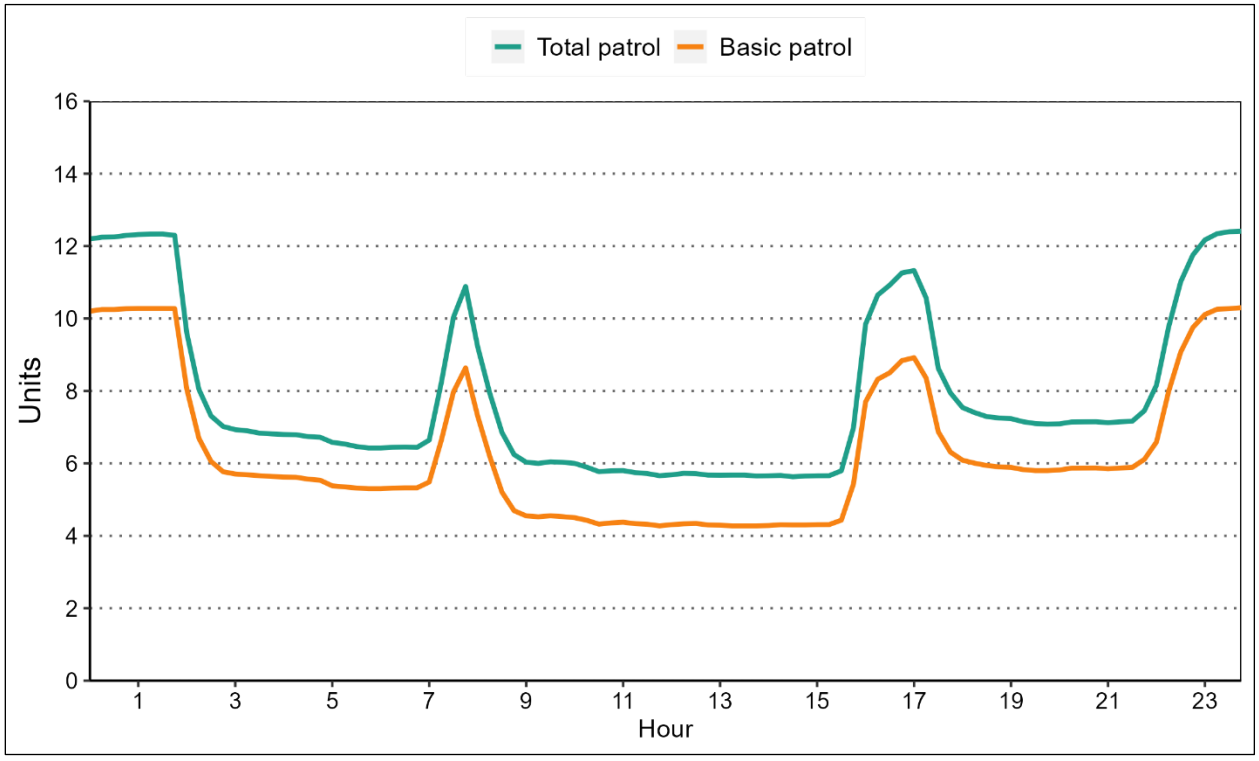


FIGURE 8-16: Deployed Officers, Weekends, Winter 2023

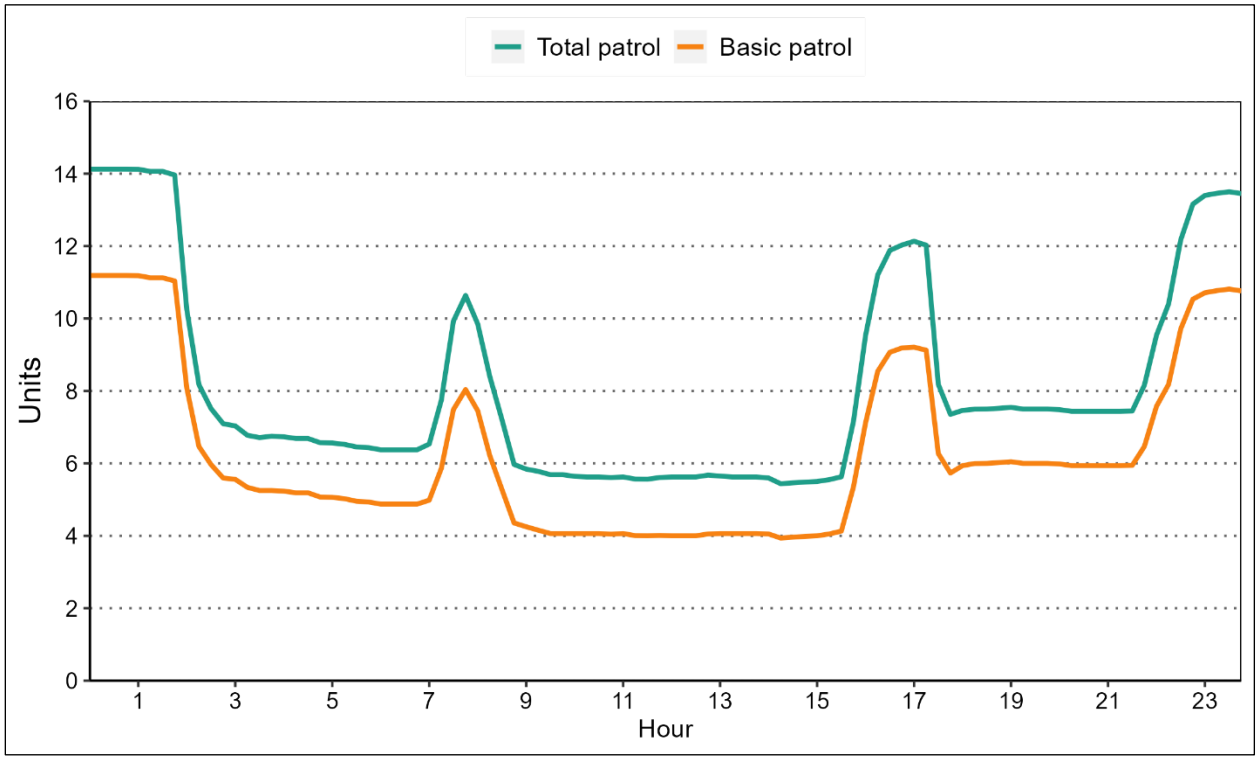


FIGURE 8-17: Deployed Officers, Weekdays, Summer 2023

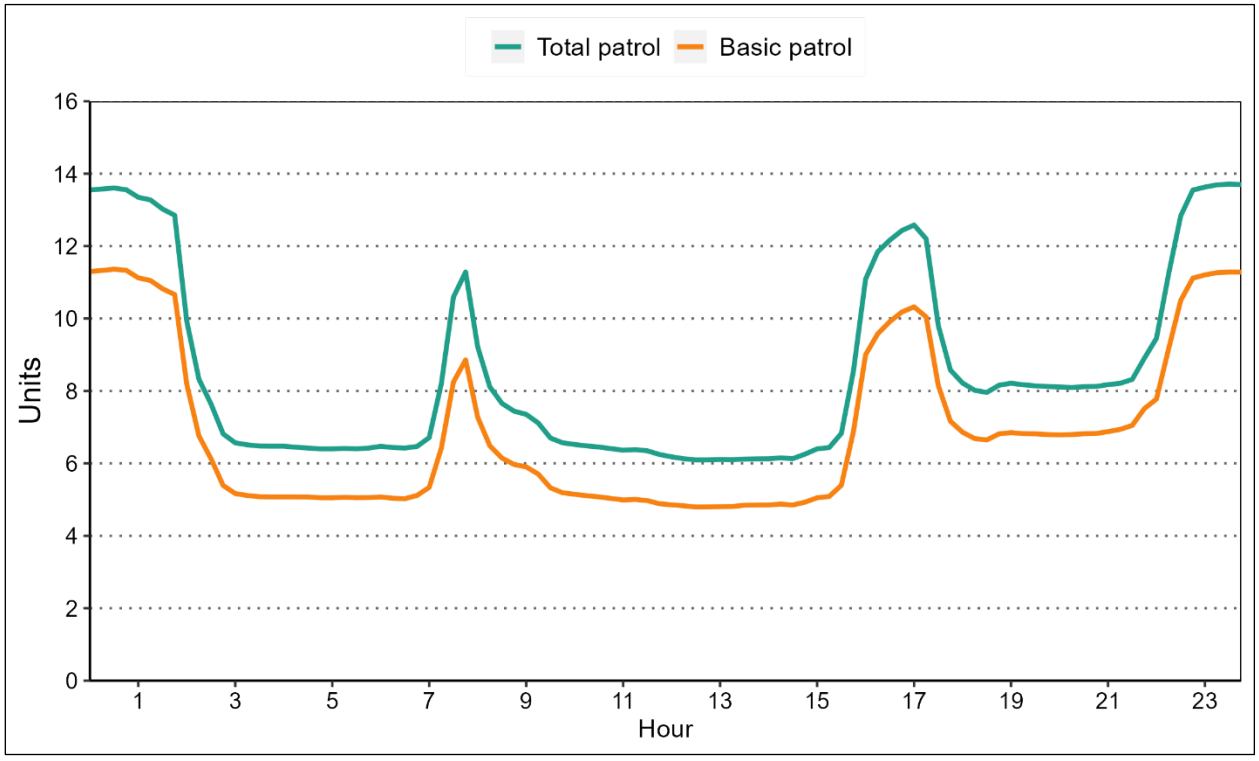
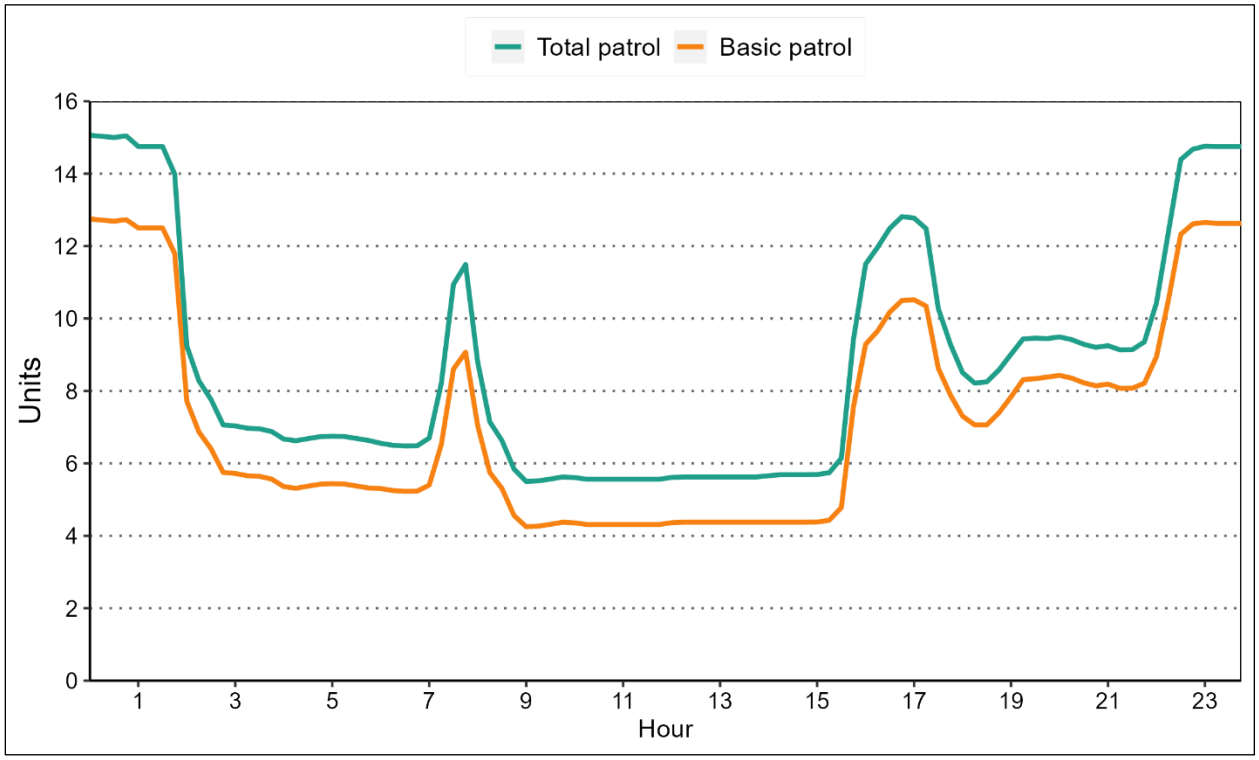


FIGURE 8-18: Deployed Officers, Weekends, Summer 2023



Observations:

- For Winter (January 4 through February 28, 2023):
  - The average deployment was 7.8 units per hour during the week and 8.1 units per hour on the weekend.
  - Average deployment varied from 5.6 to 12.4 units per hour on weekdays and 5.4 to 14.1 units per hour on weekends.
- For Summer (July 7 through August 31, 2023):
  - The average deployment was 8.5 units per hour during the week and 8.7 units per hour on the weekend.
  - Average deployment varied from 6.1 to 13.7 units per hour on weekdays and 5.5 to 15.1 units per hour on weekends.

FIGURE 8-19: Deployment and All Workload, Weekdays, Winter 2023

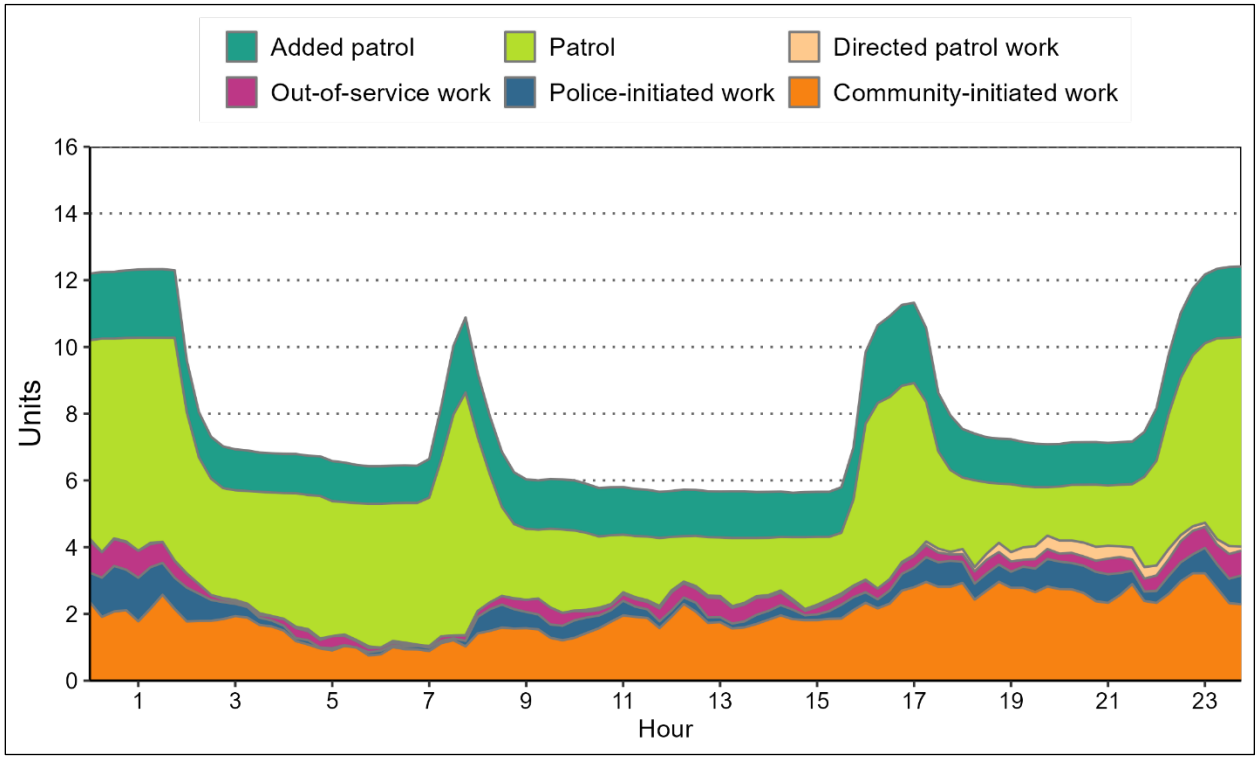


FIGURE 8-20: Deployment and All Workload, Weekends, Winter 2023

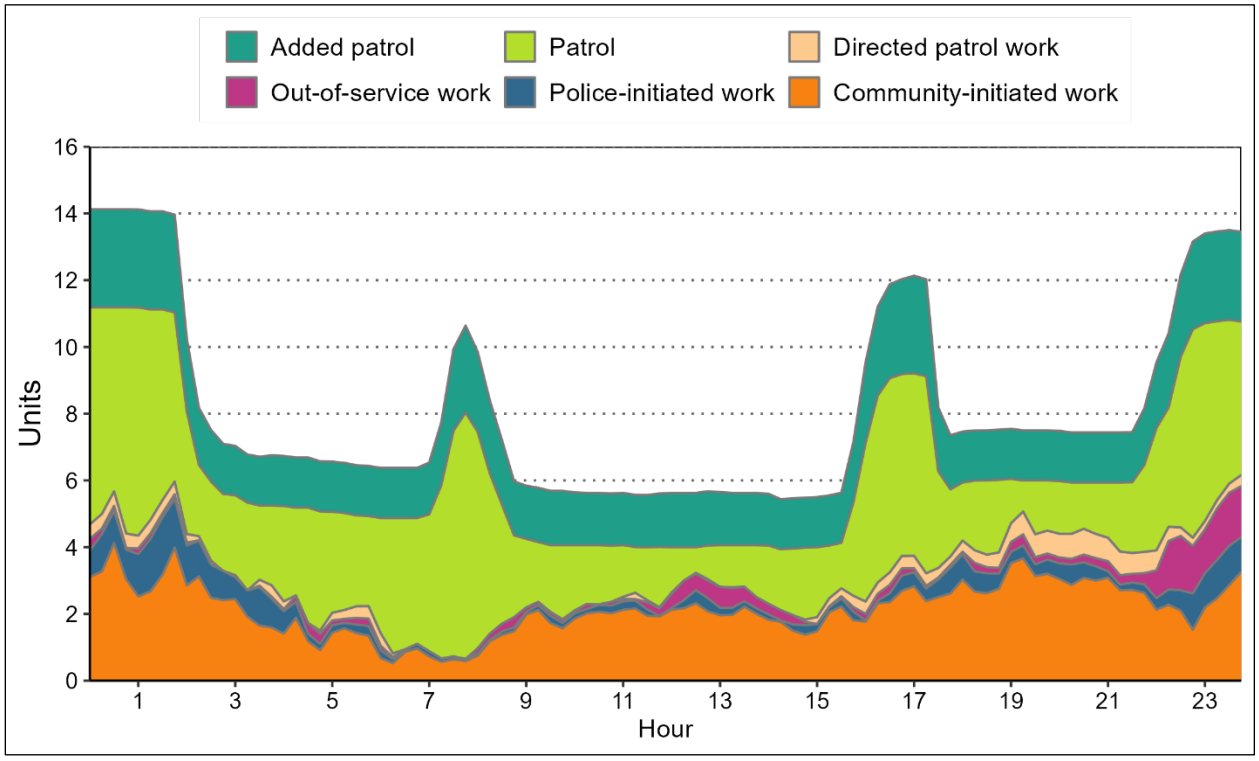


FIGURE 8-21: Deployment and All Workload, Weekdays, Summer 2023

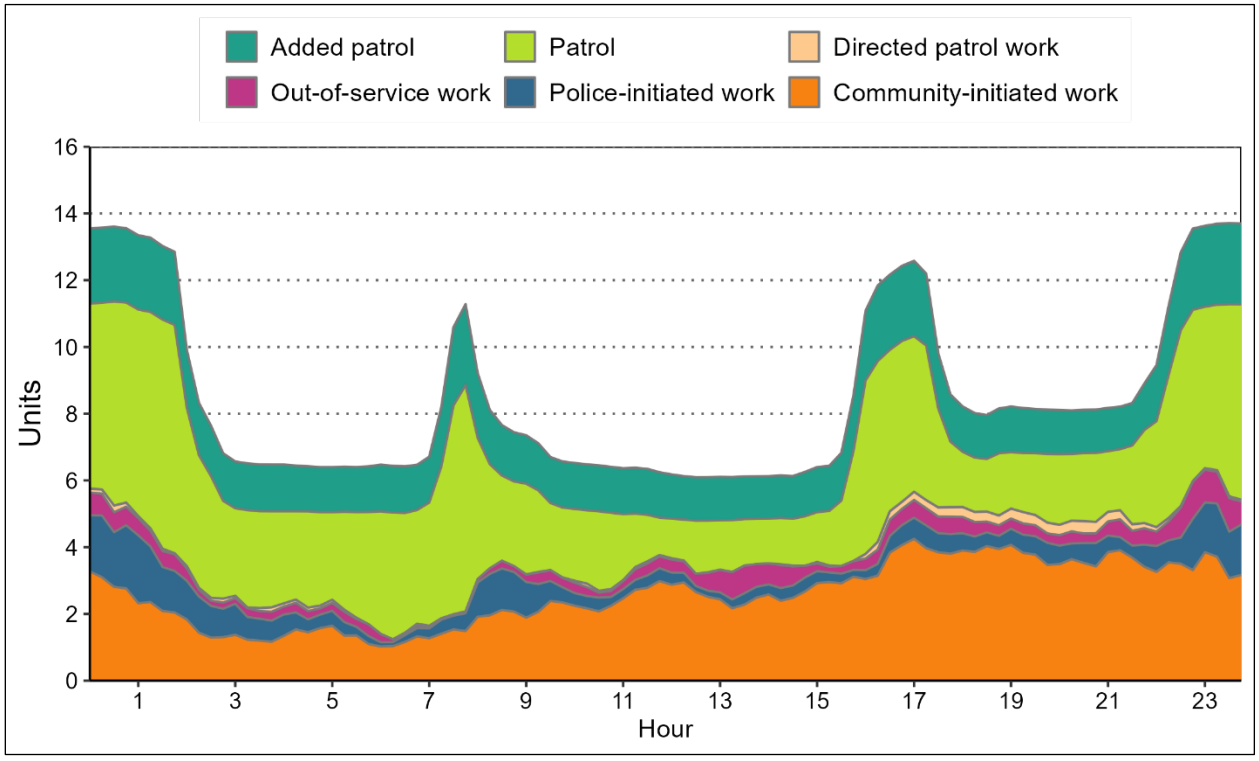
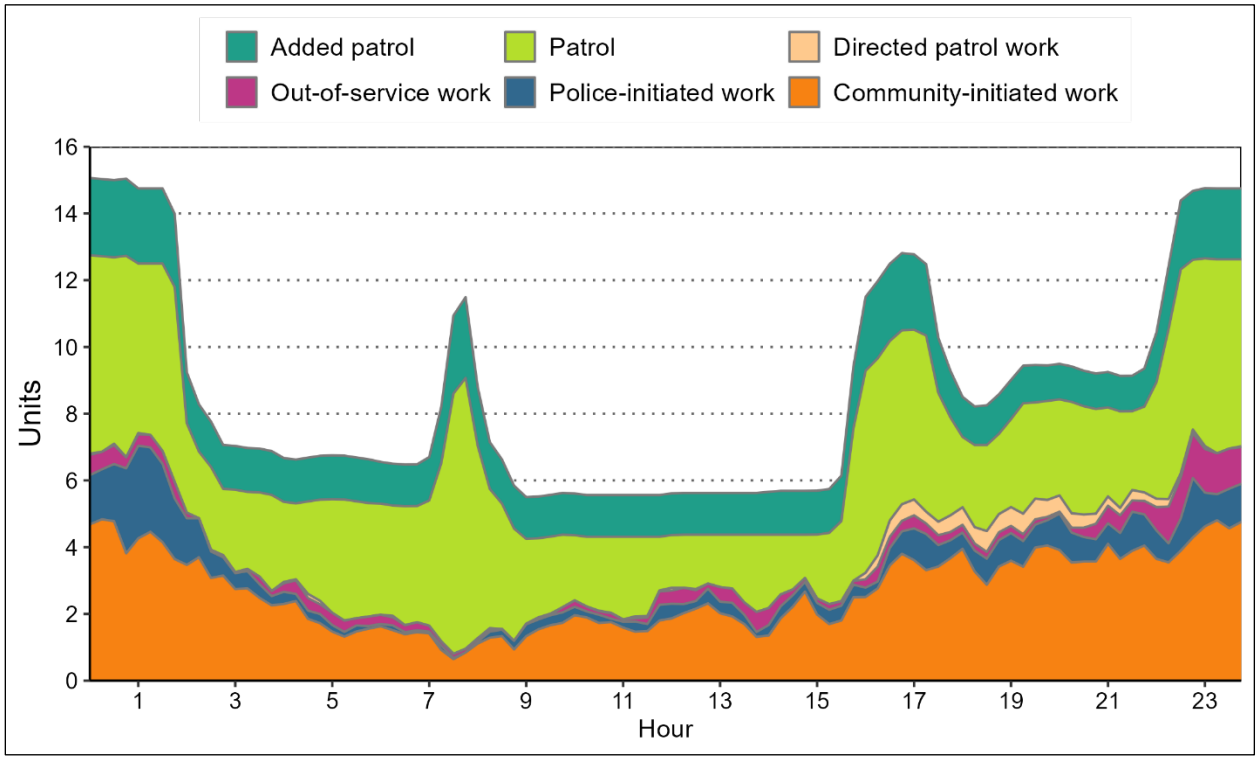


FIGURE 8-22: Deployment and All Workload, Weekends, Summer 2023



Note: Figures 8-19 to 8-22 show deployment along with all workloads from community-initiated calls, police-initiated calls, directed patrol work, and out-of-service work.

Observations:

Winter:

- Community-initiated work:
  - Average community-initiated workload was 2.0 units per hour during the week and 2.2 units per hour on weekends.
  - This was approximately 25 percent of hourly deployment during the week and 26 percent of hourly deployment on weekends.
- All work:
  - Average workload was 2.9 units per hour during the week and 3.1 units per hour on weekends.
  - This was approximately 37 percent of hourly deployment during the week and 38 percent of hourly deployment on weekends.

Summer:

- Community-initiated work:
  - Average community-initiated workload was 2.6 units per hour during the week and 2.7 units per hour on weekends.
  - This was approximately 31 percent of hourly deployment during the week and 31 percent of hourly deployment on weekends.
- All work:
  - Average workload was 3.7 units per hour during the week and 3.8 units per hour on weekends.
  - This was approximately 44 percent of hourly deployment during the week and 43 percent of hourly deployment on weekends.

FIGURE 8-23: Percentage of Workload, Weekdays, Winter 2023

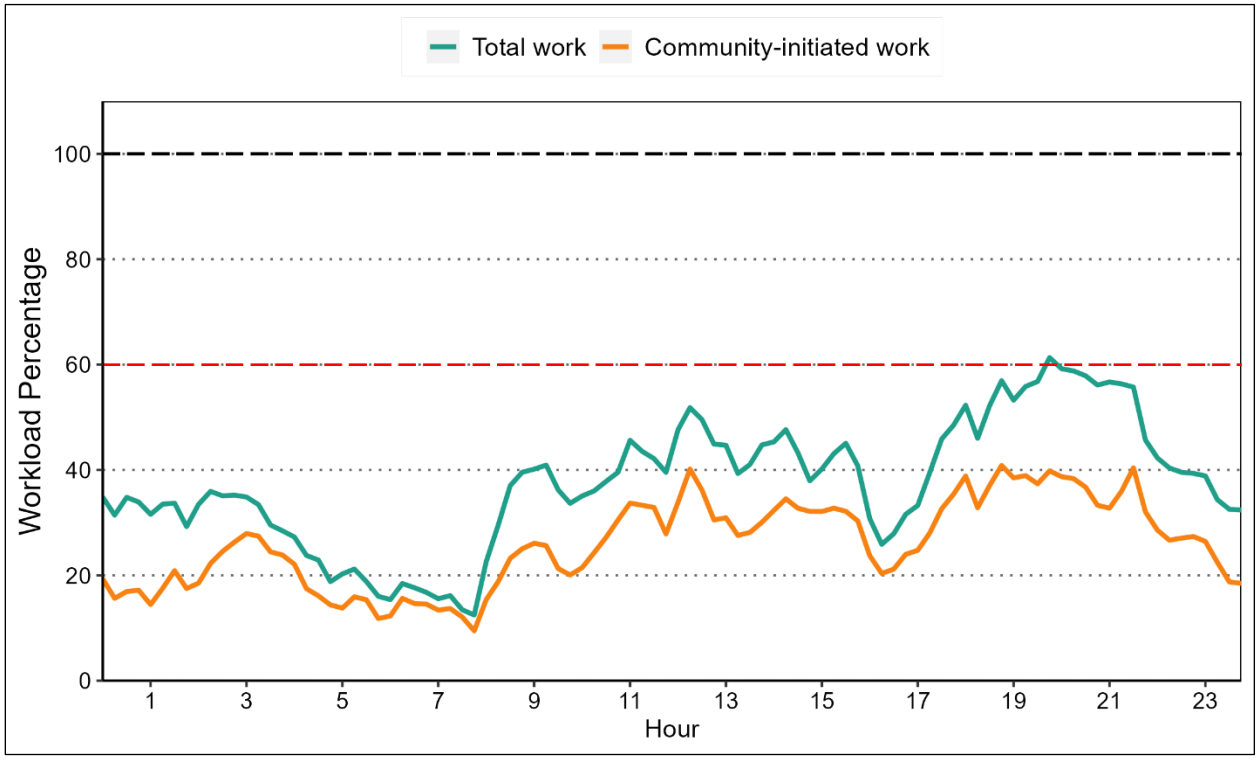


FIGURE 8-24: Percentage of Workload, Weekends, Winter 2023

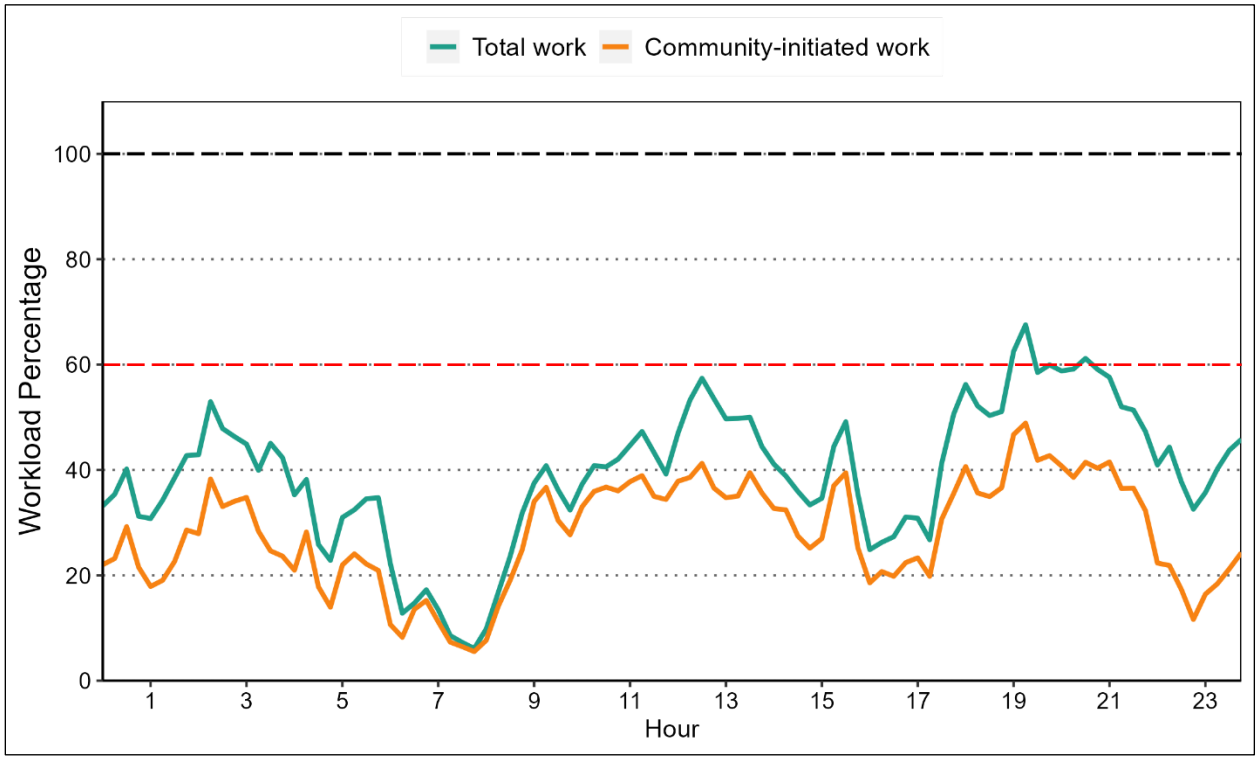


FIGURE 8-25: Percentage of Workload, Weekdays, Summer 2023

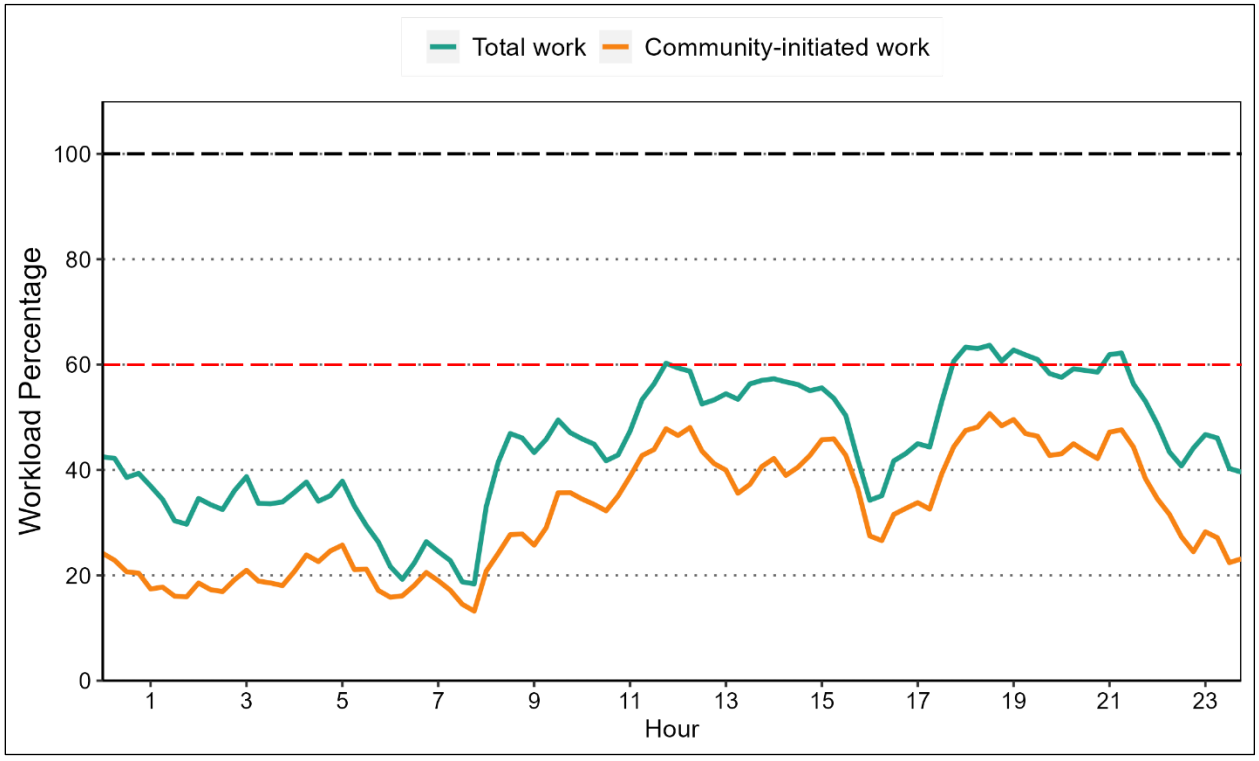
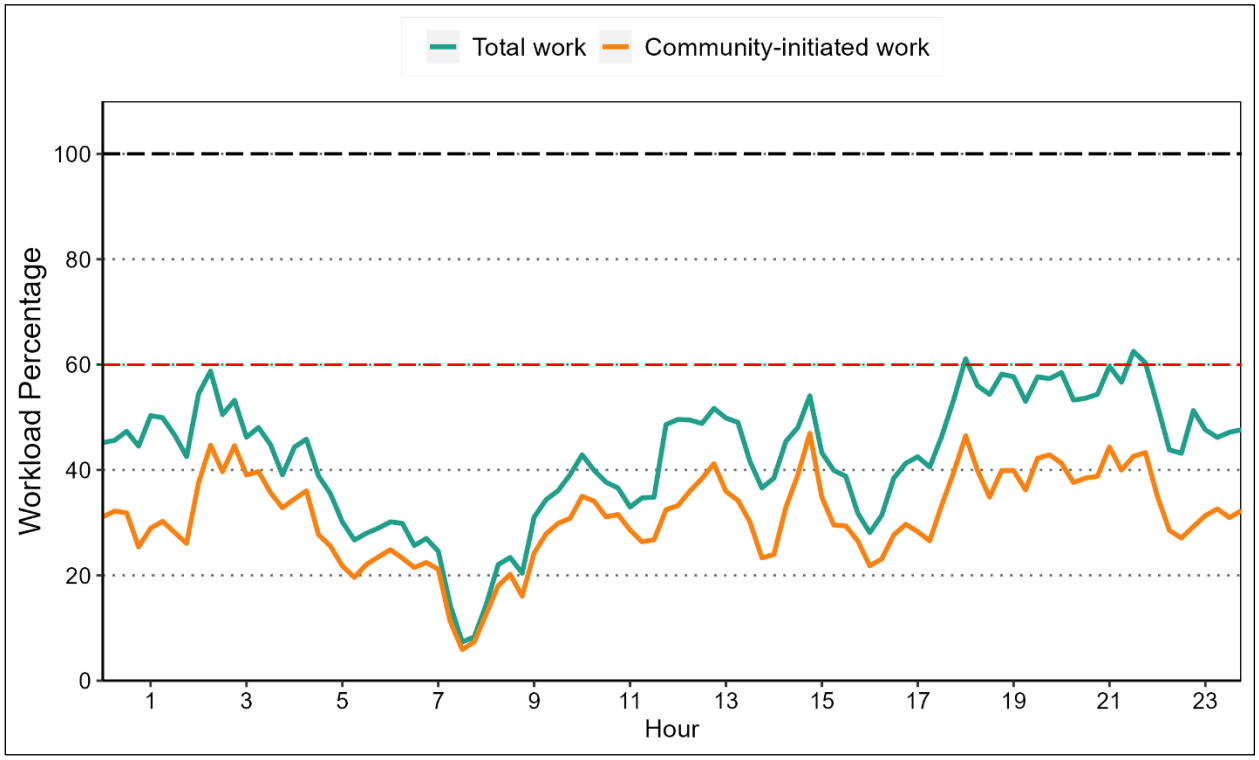


FIGURE 8-26: Percentage of Workload, Weekends, Summer 2023



Observations:

Winter:

- Community-initiated work:
  - During the week, the workload reached a maximum of 41 percent of deployment between 6:45 p.m. and 7:00 p.m. and between 9:30 p.m. and 9:45 p.m.
  - On weekends, the workload reached a maximum of 49 percent of deployment between 7:15 p.m. and 7:30 p.m.
- All work:
  - During the week, the workload reached a maximum of 61 percent of deployment between 7:45 p.m. and 8:00 p.m.
  - On weekends, the workload reached a maximum of 68 percent of deployment between 7:15 p.m. and 7:30 p.m.

Summer:

- Community-initiated work:
  - During the week, the workload reached a maximum of 51 percent of deployment between 6:30 p.m. and 6:45 p.m.
  - On weekends, the workload reached a maximum of 47 percent of deployment between 2:45 p.m. and 3:00 p.m. and between 6:00 p.m. and 6:15 p.m.
- All work:
  - During the week, the workload reached a maximum of 64 percent of deployment between 6:00 p.m. and 6:15 p.m. and between 6:30 p.m. and 6:45 p.m.
  - On weekends, the workload reached a maximum of 63 percent of deployment between 9:30 p.m. and 9:45 p.m.

RESPONSE TIMES

We analyzed the response times to various types of calls, separating the duration into dispatch processing and travel time, to determine whether response times varied by call type. Response time is measured as the difference between when a call is received and when the first unit arrives on scene. This is further divided into dispatch processing and travel time. Dispatch processing is the time between when a call is received and when the first unit is dispatched. Travel time is the remaining time until the first unit arrives on scene.

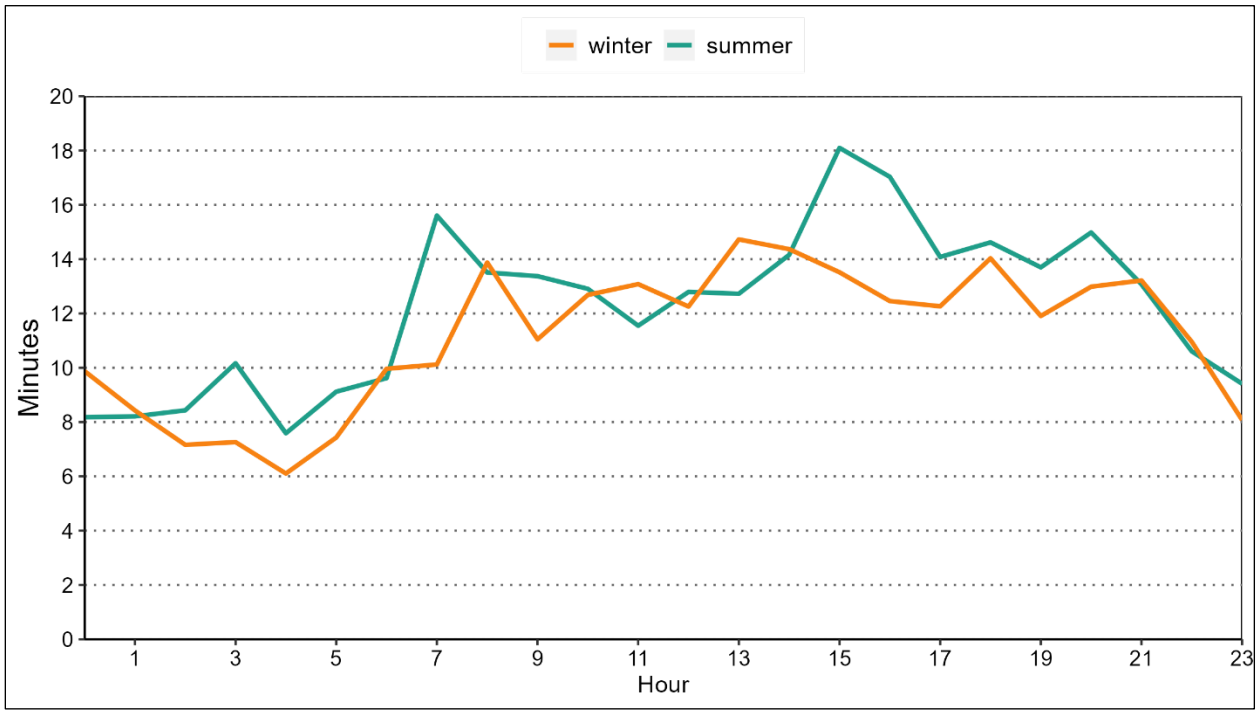
We begin the discussion with statistics that include all calls combined. We started with 3,962 calls in winter and 5,745 calls in summer. We limited our analysis to community-initiated calls, which amounted to 2,788 calls in winter and 4,045 calls in summer. In addition, we removed the calls lacking a recorded arriving unit, calls located at headquarters, as well as calls not in Minot PD beats. We were left with 2,182 calls in winter and 2,977 calls in summer for our analysis. For the entire year, we began with 30,615 calls and limited our analysis to 22,179 community-initiated calls. With similar exclusions, we were left with 17,005 calls.

Our initial analysis does not distinguish calls based on priority; instead, it examines the difference in response to all calls by time of day and compares winter and summer periods. We then present a brief analysis of response time for high-priority calls alone.

All Calls

This section looks at all calls without considering their priorities. In addition to examining the differences in response times by both time of day and season (winter vs. summer), we show differences in response times by category.

FIGURE 8-27: Average Response Time and Dispatch Processing, by Hour of Day, Winter, and Winter 2023



Observations:

- Average response times varied significantly by the hour of the day.
- In winter, the longest response times were between 1:00 p.m. and 2:00 p.m., with an average of 14.7 minutes.
- In winter, the shortest response times were between 4:00 a.m. and 5:00 a.m., with an average of 6.1 minutes.
- In summer, the longest response times were between 3:00 p.m. and 4:00 p.m., with an average of 18.1 minutes.
- In summer, the shortest response times were between 4:00 a.m. and 5:00 a.m., with an average of 7.6 minutes.

FIGURE 8-28: Average Response Time by Category, Winter 2023

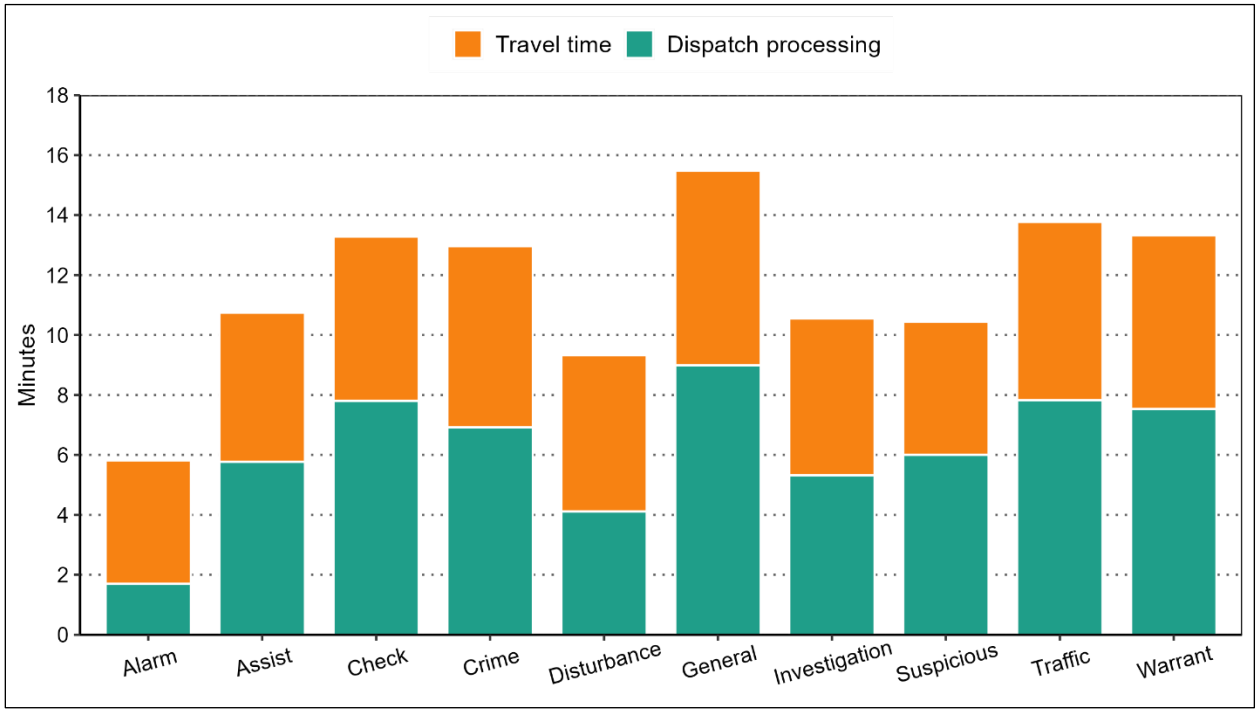


FIGURE 8-29: Average Response Time by Category, Summer 2023

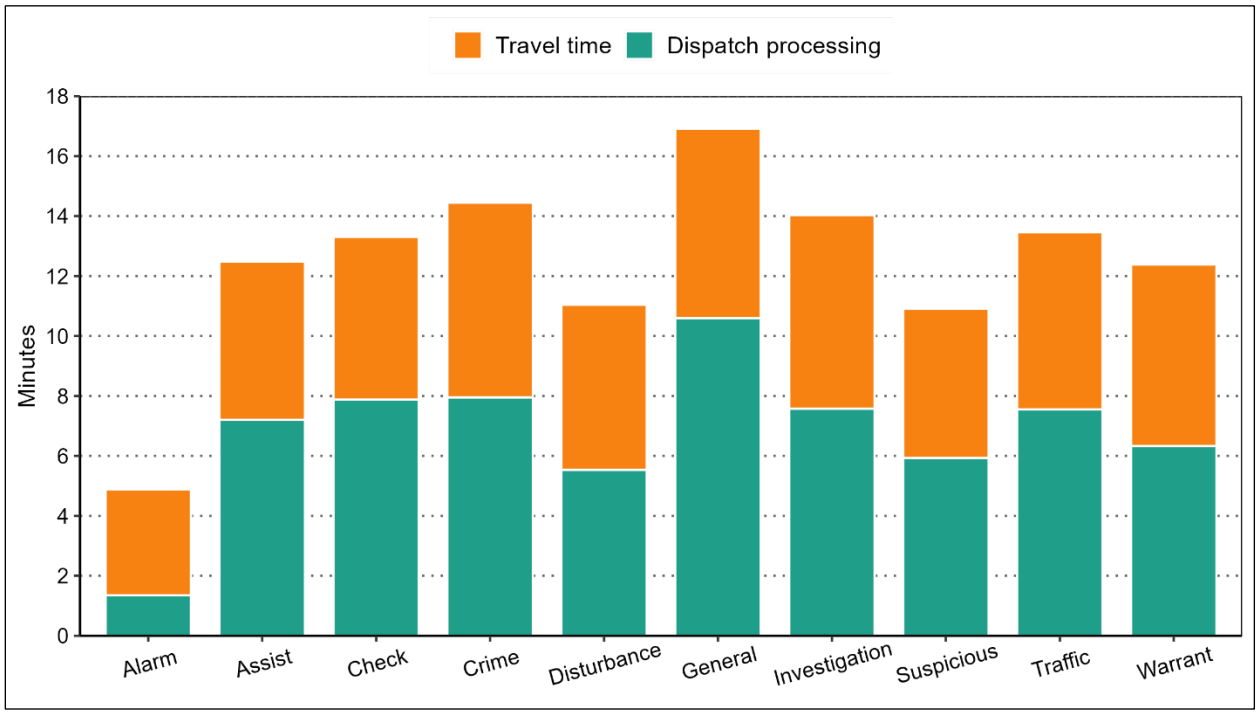


TABLE 8-16: Average Response Time Components, by Category

Category	Winter				Summer			
	Minutes			Count	Minutes			Count
	Dispatch	Travel	Response		Dispatch	Travel	Response	
Accident	6.7	6.1	12.9	150	6.4	6.0	12.4	147
Accident–criminal	9.6	7.7	17.3	33	10.0	7.6	17.6	47
Alarm	1.7	4.1	5.8	109	1.3	3.5	4.9	134
Animal call	11.7	6.7	18.4	35	13.6	7.5	21.1	63
Assist other agency	3.5	4.1	7.7	165	3.6	4.1	7.6	268
Assist public	9.0	6.1	15.1	117	11.7	6.8	18.5	215
Crime against persons	6.5	6.3	12.8	69	10.5	7.9	18.4	115
Crime against property	10.0	7.2	17.2	162	9.3	6.9	16.2	211
Crime against society	4.3	4.8	9.1	182	5.6	5.5	11.0	283
Disturbance	4.1	5.2	9.3	234	5.5	5.5	11.0	282
Investigation	5.3	5.2	10.6	209	7.6	6.5	14.0	282
Juvenile	10.3	6.7	16.9	92	10.6	6.2	16.9	76
Mental health	2.9	5.4	8.3	25	1.9	4.9	6.8	16
Miscellaneous	2.9	6.9	9.8	10	8.2	4.3	12.5	22
Special check	0.4	4.1	4.5	8	0.7	5.7	6.5	14
Suspicious incident	6.0	4.4	10.4	153	5.9	5.0	10.9	277
Traffic enforcement	9.3	5.7	15.0	111	8.7	5.9	14.6	145
Traffic enforcement–criminal	1.8	3.9	5.6	15	8.7	5.3	13.9	11
Warrant/prisoner/vehicle	7.5	5.8	13.3	85	6.3	6.1	12.4	97
Welfare check	8.1	5.5	13.6	218	8.2	5.4	13.7	272
Total Average	**6.4**	**5.5**	**11.9**	**2,182**	**7.1**	**5.7**	**12.9**	**2,977**

Note: The total average is weighted according to the number of calls per category.

Observations:

- In winter, the average response time was between 6 minutes and 15 minutes.
- In winter, the average response time was as short as 6 minutes (for alarms) and as long as 15 minutes (for general noncriminal calls).
- In summer, the average response time was between 5 minutes and 17 minutes.
- In summer, the average response time was as short as 5 minutes (for alarms) and as long as 17 minutes (for general noncriminal calls).

TABLE 8-17: 90th Percentiles for Response Time Components, by Category

Category	Minutes in Winter			Minutes in Summer		
	Dispatch	Travel	Response	Dispatch	Travel	Response
Accident	16.4	12.1	26.4	17.0	11.3	24.7
Accident–criminal	19.1	14.2	28.9	29.5	15.5	36.5
Alarm	2.4	7.2	9.4	2.0	6.0	7.6
Animal call	33.7	11.1	42.0	47.4	12.4	53.1
Assist other agency	4.9	7.5	11.2	4.6	7.0	12.3
Assist public	26.5	10.7	31.8	34.5	14.2	43.0
Crime against persons	17.1	11.5	32.3	29.8	18.1	43.1
Crime against property	29.3	12.6	37.6	28.1	13.0	38.8
Crime against society	6.5	8.5	15.2	13.8	10.6	22.8
Disturbance	7.7	9.3	15.3	11.6	9.3	18.1
Investigation	8.0	10.0	19.9	17.1	12.9	30.6
Juvenile	27.6	13.2	39.4	39.3	12.1	50.8
Mental health	4.4	9.4	13.3	3.0	7.5	9.3
Miscellaneous	5.7	14.3	19.4	22.6	8.0	30.1
Special check	0.8	7.8	8.2	1.1	10.0	10.2
Suspicious incident	12.3	9.4	22.8	14.8	9.2	22.2
Traffic enforcement	23.7	10.0	30.8	25.0	12.3	31.9
Traffic enforcement–criminal	3.1	8.1	10.2	16.9	11.6	28.5
Warrant/prisoner/vehicle	15.4	13.2	28.5	17.6	14.1	26.1
Welfare check	19.7	9.8	30.8	21.6	9.7	28.5
Total Average	**15.0**	**10.2**	**24.3**	**20.1**	**11.0**	**28.7**

Note: A 90th percentile value of 24.3 minutes means that 90 percent of all calls are responded to in fewer than 24.3 minutes. For this reason, the columns for dispatch processing and travel time may not be equal to the total response time.

Observations:

- In winter, the 90th percentile value for response time was as short as 9 minutes (for alarms) and as long as 33 minutes (for general noncriminal calls).
- In summer, the 90th percentile value for response time was as short as 8 minutes (for alarms) and as long as 50 minutes (for general noncriminal calls).

FIGURE 8-30: Average Response Time Components, by Beat

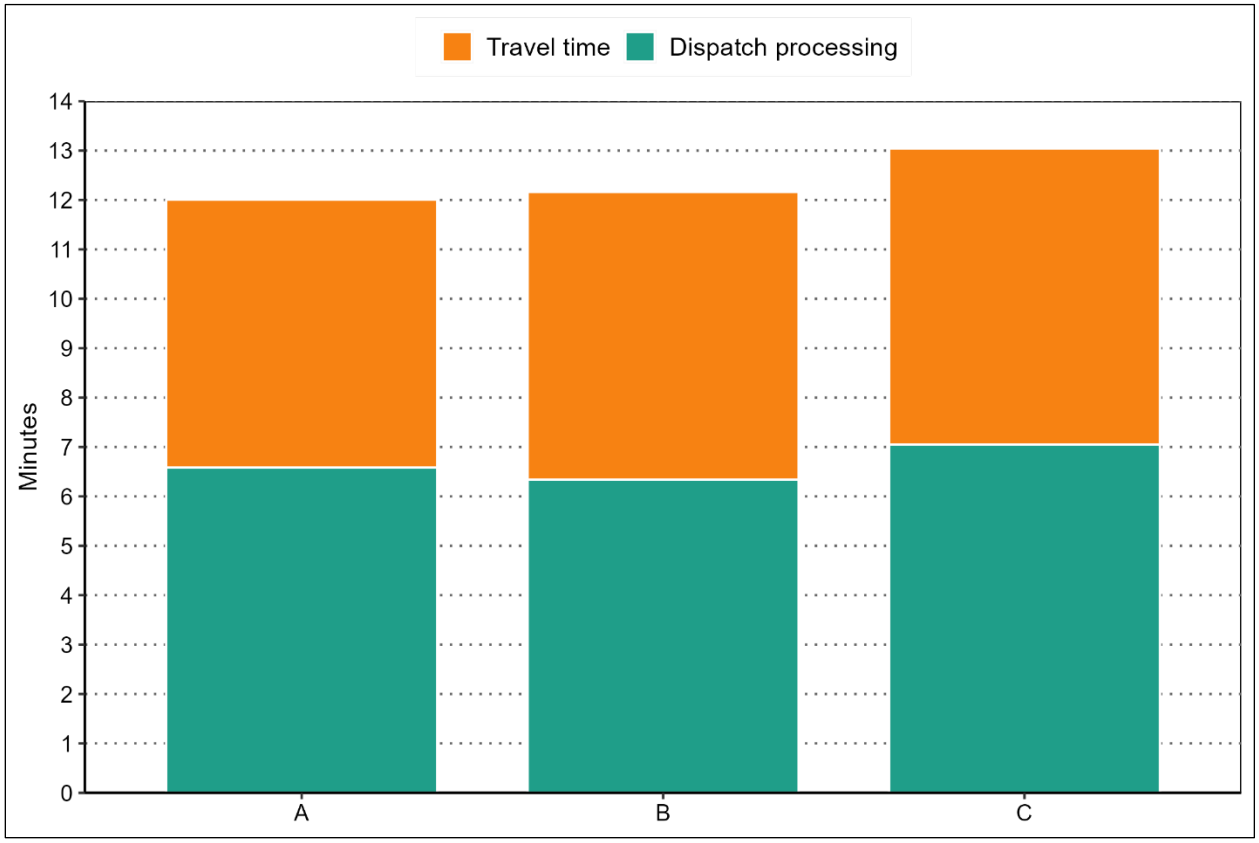


TABLE 8-18: Average Response Time Components, by Beat

Beat	Minutes			Calls
	Dispatch	Travel	Response	
A	6.6	5.4	12.0	5,957
B	6.3	5.8	12.2	4,690
C	7.1	6.0	13.0	6,358
Total	**6.7**	**5.7**	**12.4**	**17,005**

Observations:

- All three beats share a similar average dispatch processing time, with beat B having the shortest average dispatch processing time of 6.3 minutes.
- All three beats share a similar average response time, with beat A having the shortest average response time of 12.0 minutes.

High-Priority Calls

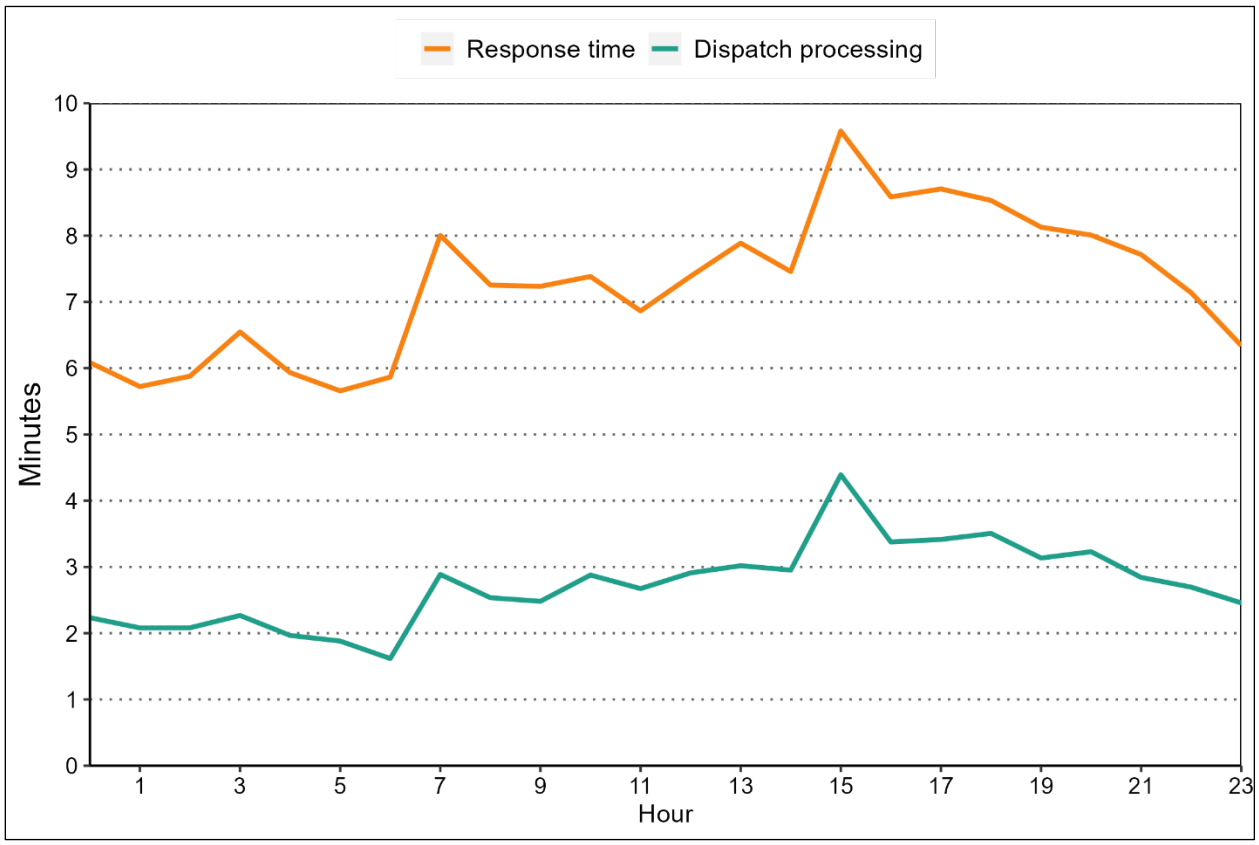
The department assigned priorities to calls with priority "high" as the highest priority. Table 8-19 shows average response times by priority. Also, we studied injury accidents to see if these provided an alternate measure for emergency calls. These calls were identified based on their call descriptions: "accident w/injuries" and "hit and run - injury."

TABLE 8-19: Average and 90th Percentile Response Times, by Priority

Priority	Minutes			Calls	90th Percentile Response Time, Minutes
	Dispatch	Travel	Response		
High	2.8	4.6	7.4	4,418	12.4
Medium	7.6	6.1	13.8	6,169	31.2
Low	8.9	6.2	15.1	3,496	34.0
Follow-up	7.9	6.2	14.1	2,922	32.4
Total	**6.7**	**5.7**	**12.4**	**17,005**	**27.1**
Injury Accident	1.8	3.2	5.0	121	7.6

Note: The total average is weighted according to the number of calls within each priority level.

FIGURE 8-31: Average Response Times and Dispatch Processing for High-priority Calls, by Hour



Observations:

- High-priority calls had an average response time of 7.4 minutes, lower than the overall average of 12.4 minutes for all calls.
- Average dispatch processing was 2.8 minutes for high-priority calls, compared to 6.7 minutes overall.
- For high-priority calls, the longest response times were between 3:00 p.m. and 4:00 p.m., with an average of 9.6 minutes.
- For high-priority calls, the shortest response times were between 1:00 a.m. and 2:00 a.m. and between 5:00 a.m. and 7:00 a.m., with an average of 5.7 minutes.
- Average response time for injury accidents was 5.0 minutes, with a dispatch processing of 1.8 minutes.

APPENDIX A: CALL TYPE CLASSIFICATION

Call descriptions for the department's calls for service from October 1, 2022, to September 30, 2023, were classified into the following categories.

TABLE 8-20: Call Type, by Category

Call Type Description	Table Category	Figure Category
Alarm burglary	Alarm	Alarm
Alarm medical		
Ambulance request	Assist other agency	Assist
Assist		
Assist fire		
Assist other agency		
Assist police		
Fire–alarm waterflow		
Fire alarm		
Fire dumpster/outside		
Fire grass/brush		
Fire other structure		
Fire vehicle		
Public works/signal malfunction		
Public works/signals		
Assist public	Assist public	
Civil dispute		
Bar check	Special check	Check
Offender check		
Premises check		
Welfare check	Welfare check	
Hit and run	Accident–criminal	Crime
Hit and run–injury		
Hit and run–property		
Assault	Crime against persons	
Child abuse/neglect		
Forgery		
Harassment		
Robbery		
Sex offense		
Shooting		
Stabbing		
Terrorizing		
Threats / intimidation		
Auto burglary	Crime against property	
Bike theft		

Call Type Description	Table Category	Figure Category
Burglary		
Criminal mischief		
Littering		
Motor vehicle theft		
Shoplifting		
Stalled vehicle		
Theft		
Trespass		
Alcohol violation	Crime against society	
Bomb incident		
Disorderly conduct		
Indecent exposure		
Judicial violations		
Ordinance violation		
Pornography/obscene materials		
Pursuit/flight		
Shots fired		
Tobacco violation		
Weapons violations		
Dui	Traffic enforcement–criminal	
Dus/dur		
Extra patrol	Directed patrol	Directed patrol
Special detail		
Domestic disturbance	Disturbance	Disturbance
Intoxicated person		
Loitering		
Noise complaint		
Animal - lost/found pet	Animal call	General noncriminal
Animal bite		
Animal complaint		
Animal complaint domestic		
Found child	Juvenile	
Missing/runaway		
Runaway information		
Runaway located		
Unruly juvenile		
Unruly juvenile		
Committal	Mental health	
Information	Miscellaneous	
Messy yard		
New call		
Repo veh/private property tow		

Call Type Description	Table Category	Figure Category
Unshoveled sidewalks		
911 investigation	Investigation	Investigation
Attempt to locate		
Bike - found/abandoned		
Criminal investigation		
Death		
Drug investigation		
Follow up		
Lost/found property		
Recovered stolen property		
Recovered stolen vehicle		
Routine investigation		
Smoke investigation		
Suicide investigation		
Open door/window found	Suspicious incident	Suspicious incident
Suspicious activity		
Suspicious person/vehicle		
Suspicious vehicle		
Accident property damage	Accident	Traffic
Accident w/injuries		
Impound	Traffic enforcement	
Parking complaint		
Traffic complaint/investigation		
Traffic obstruction		
Traffic stop	Traffic stop	
Escort	Warrant/prisoner/vehicle	Warrant/prisoner/vehicle
Judicial service		
Warrant service		

APPENDIX B: UNIFORM CRIME REPORT INFORMATION

This section presents information obtained from Uniform Crime Reports (UCR) collected and reported by the Federal Bureau of Investigation (FBI) or on the North Dakota State Government website. The tables and figures include the most recent information that is publicly available at the national level. This includes crime reports for 2013 through 2022, along with clearance rates for 2021 and 2022. Crime rates are expressed as incidents per 100,000 population.

TABLE 8-21: Reported Crime Rates in 2021 and 2022, by City

Municipality	State	2021				2022			
		Population	Crime Rates			Population	Crime Rates		
			Violent	Property	Total		Violent	Property	Total
Bismarck	ND	75,396	281	1,576	1,857	74,604	307	1,391	1,698
Dickinson	ND	24,179	252	922	1,175	24,577	236	879	1,115
Fargo	ND	127,313	500	3,194	3,694	127,649	607	3,037	3,644
Jamestown	ND	14,879	302	1,425	1,727	15,772	222	1,116	1,338
Grand Forks	ND	56,253	299	1,547	1,845	58,620	292	1,733	2,025
Mandan	ND	23,292	365	3,332	3,697	24,666	235	2,903	3,138
West Fargo	ND	39,704	161	1,007	1,169	39,987	180	913	1,093
Williston	ND	31,680	287	909	1,196	25,513	494	1,634	2,128
Minot	**ND**	48,086	250	821	1,071	47,278	281	662	943
North Dakota		**774,948**	**241**	**1,398**	**1,639**	**779,261**	**266**	**1,335**	**1,601**
National		***332,031,554**	**396**	**1,933**	**2,329**	**332,403,650**	**380**	**1,954**	**2,334**

Note: *We used national crime and clearance rates estimated in the FBI's report *The Transition to the National Incident-Based Reporting System (NIBRS): A Comparison of 2020 and 2021 NIBRS Estimates.*

FIGURE 8-32: Reported Minot Violent and Property Crime Rates, by Year

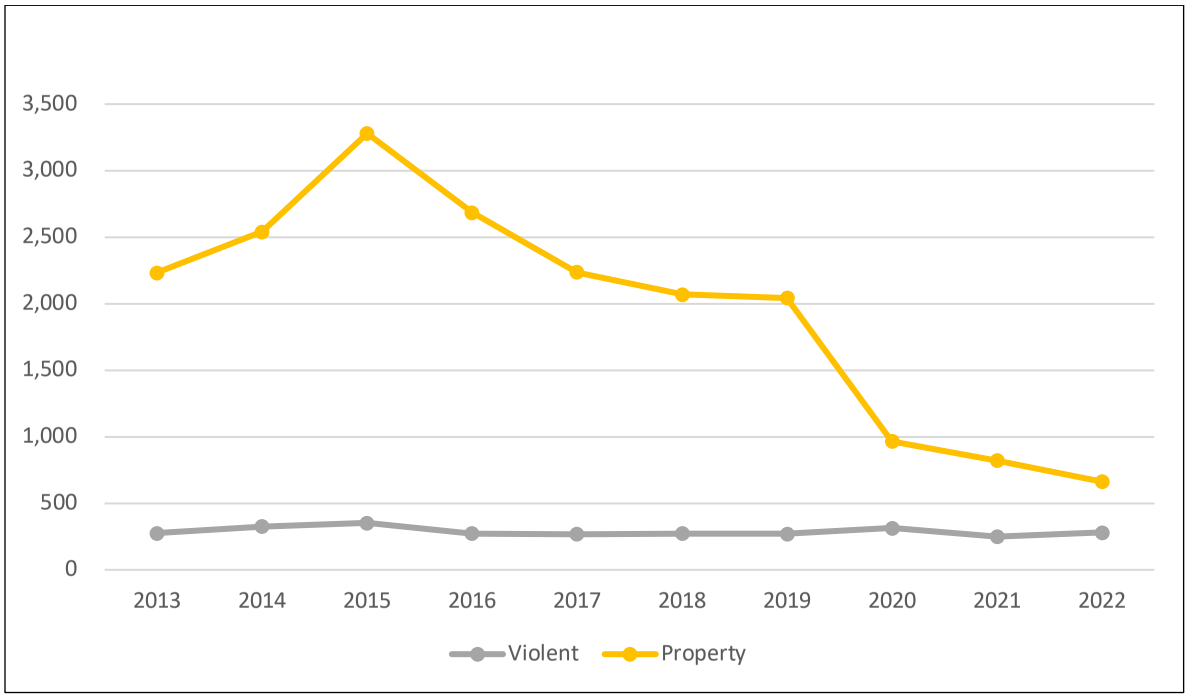


FIGURE 8-33: Reported City and State Crime Rates, by Year

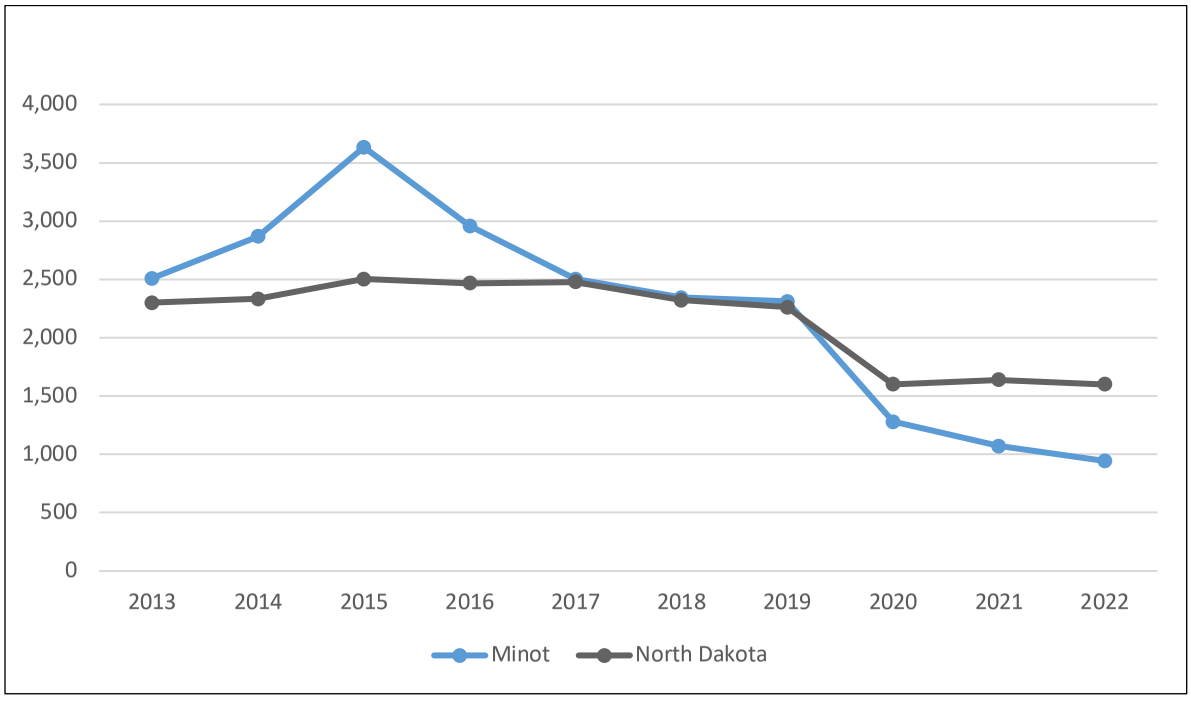


TABLE 8-22: Reported Minot, North Dakota, and National Crime Rates, by Year

Year	Minot				North Dakota				National			
	Population	Violent	Property	Total	Population	Violent	Property	Total	Population	Violent	Property	Total
2013	44,635	276	2,234	2,509	747,626	261	2,040	2,301	321,947,240	362	2,627	2,989
2014	47,682	325	2,542	2,867	764,102	261	2,072	2,333	324,699,246	357	2,464	2,821
2015	49,842	353	3,280	3,633	781,773	247	2,257	2,504	327,455,769	368	2,376	2,744
2016	51,265	273	2,686	2,959	783,900	244	2,224	2,468	329,308,297	383	2,353	2,736
2017	50,118	267	2,235	2,502	755,393	281	2198	2,479	325,719,178	383	2,362	2,745
2018	48,829	274	2,070	2,344	760,077	281	2040	2,321	327,167,434	369	2,200	2,568
2019	48,185	270	2,042	2,312	762,062	285	1977	2,262	328,239,523	379	2,010	2,489
2020	48,108	314	967	1,280	765,309	244	1356	1,600	331,449,281	399	1,958	2,357
2021	48,086	250	821	1,071	774,948	241	1398	1,639	332,031,554	396	1,933	2,329
2022	47,278	281	662	943	779,261	266	1335	1,601	332,403,650	380	1,954	2,334

TABLE 8-23: Reported Minot, North Dakota, and National Crime Clearance Rates, 2021

Crime	Minot			North Dakota			National		
	Crimes	Clearances	Rate	Crimes	Clearances	Rate	Crimes	Clearances	Rate
Murder Manslaughter	3	3	0	17	16	94%	22,900	11,500	50%
Rape	41	7	17%	340	66	19%	144,300	16,500	11%
Robbery	4	1	25%	186	65	35%	202,200	48,800	24%
Aggravated Assault	72	52	72%	1,321	796	60%	943,800	297,500	32%
Burglary	115	14	12%	2,899	358	12%	899,700	107,200	12%
Larceny	143	23	16%	5,958	751	13%	4,627,000	508,900	11%
Vehicle Theft	137	25	18%	1,979	406	21%	890,200	68,500	8%

Note: *We used national crime and clearance rates estimated in the FBI's report *The Transition to the National Incident-Based Reporting System (NIBRS): A Comparison of 2020 and 2021 NIBRS Estimates*

TABLE 8-24: Reported Minot, North Dakota, and National Crime Clearance Rates, 2022

Crime	Minot			North Dakota			National		
	Crimes	Clearances	Rate	Crimes	Clearances	Rate	Crimes	Clearances	Rate
Murder Manslaughter	3	2	67%	30	23	77%	21,797	10,752	49%
Rape	37	3	8%	379	72	19%	132,997	27,856	21%
Robbery	8	3	38%	216	83	38%	215,760	51,930	24%
Aggravated Assault	85	54	64%	1,448	853	59%	756,601	334,405	44%
Burglary	92	15	16%	2,585	409	16%	916,970	125,838	14%
Larceny	89	17	19%	5,818	876	15%	4,947,709	633,098	13%
Vehicle Theft	132	28	21%	1,999	428	21%	953,827	87,140	9%

END

Klug, John

27004-POLICE CHIEF

Position ID - L4K007112

Reports To - Stewart, Harold

Department - PDADMN-Police - Administration

Business Unit - POLICE-Police Department

Location - MPDPT-Police Department

REVIEW INFORMATION

2023 Annual Sup Review

Review Period - 01/01/2023 to 12/31/2023

Status - Employee Acknowledged

Target Completion Date - 01/20/2024

REVIEWER INFORMATION

Reviewer - Stewart, Harold

INTRODUCTION

The evaluation process is an important part of any employment experience. Evaluations are used to assist in the development of employees, provide opportunity for feedback and discussion, and further enhance the work environment. Please evaluate each employee using the rating system provided. If you are not able to evaluate a particular area, please indicate under - "NA"- Not Applicable.

Thank you for your assistance in this important process. Please contact HR with any questions you may have.

RATING SCALE

5 - Exceptional	Performance is consistently superior and significantly exceeds position requirements.
4 - Highly Effective	Performance frequently exceeds position requirements..
3 - Proficient	Performance consistently meets position requirements.
2 - Needs Improvement	Performance meets some, but not all position requirements.
1 - Unsatisfactory	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A - Not Applicable	This item is not applicable to the employee's position.

QUESTIONS

Instructions

Conducting employee performance appraisals is a productive and meaningful activity that positively contributes to the success of our organization. For each of the questions or key performance indicators, you should measure the productivity of the employee and how he/she builds relationships across all levels of your organization to assist with effective and coordinated work.

1 - List aspects of employee's performance that contribute to his or her effectiveness.

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

John is making a concerted effort to change and improve the Department. He cares deeply about his officers and staff. He has the courage to speak out when he has concerns. Has brought valuable resources and training to his department.

2 - List aspects of employee's performance that require improvement for greater effectiveness.

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

Chief seems to struggle with a heavy workload, resulting sometimes in extended timeframes for completing projects.

3 - In what way is the employee ready for increased responsibility? What additional training will he/she need to besuccessful?

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

I think John is at the peak of his career as the Chief and has enough responsibility modernizing the department.

4 - What comments, ideas or suggestions would you add to your review?

Category - Employee Comments Employee only question

Employee Response

I would like to add that I appreciate the patience of the City management team while I worked through a very challenging year in the police department. Although I didn't realize the impact my actions and inactions had on the team, we successfully continued forward with the business end of our professional transactions. After successfully airing our some conflict within some of the management team, and going through a period of self-reflection, I think we are in a much better place and a stronger team than we were 6 months ago.

Reviewer Response

Reviewer response is not required as this is an Employee only Question.

**5 - What can the City do to promote a better sense of overall employee satisfaction (i.e., training,
communications, participation, growth opportunities)**

Category - Employee Comments Employee only question

Employee Response

I think there is a fairly significant investment in the employees through advanced training and growth opportunities if employees are willing to take them on. There are also more opportunities than ever to get involved with the City team and participating in various events. I think the one area we need to focus on is recognizing that not all employees can be treated equally, but they can be treated fairly. Many of the concepts presented to address the police officer shortages have been met with the challenge of implementing the concepts of recruiting police officers in all other areas of the city, even through the same level of shortage does not exist. I think the City needs to address the problems, not try to create a systemic solution that compounds the expenses and complexity of possible solutions.

Reviewer Response

Reviewer response is not required as this is an Employee only Question.

6 - What can be done to better serve the customers/citizens of Minot by the City:

Category - Employee Comments — Employee only question

Employee Response

One of the concepts introduced through the 2024 budget process was implementation of stationary traffic cameras at key points within the City of Minot to help gather data for use in our investigations. This is being implemented in many communities with a high degree of success. It is a force multiplier for our "eyes" on the city and I think it would benefit the citizens through increased identification of suspects and decrease the length of time to make arrests stemming from some crimes within Minot.

Reviewer Response

Reviewer response is not required as this is an Employee only Question.

7 - What can be done to better serve the customers/citizens of Minot by Your Department:

Category - Employee Comments — Employee only question

Employee Response

I have been working hard with the other leaders in the police department to change the culture of our department. I think this change could lead to a more customer focused response and decrease our officer complaints and use of force incidents over time. This will not occur quickly, but I think there has been progress in the area of customer service.

Reviewer Response

Reviewer response is not required as this is an Employee only Question.

8 - What can be done to better serve the customers/citizens of Minot by You:

Category - Employee Comments — Employee only question

Employee Response

I need to find more time to interact with organizations outside of the law enforcement and emergency services agencies. I need to attend more community conversations about what is happening in Minot and what we need to make Minot a safer place to live and raise our families.

Reviewer Response

Reviewer response is not required as this is an Employee only Question.

9 - What can your supervisor do to help you reach your professional potential?

Category - Employee Comments — Employee only question

Employee Response

Continue to support my decisions even when they do not seem popular to some employees. As we have seen, this has proven beneficial based on the experience I bring with the issues being addressed. I think the understanding shown and willingness to work with me to work through tense work relationships has proven beneficial. Our ability to work with each other by explaining our needs and understanding of our roles should continue into the future. This communication ensures we both know what is happening in a very busy world of organizational management.

Reviewer Response

Reviewer response is not required as this is an Employee only Question.

10 - Other questions/comments:

Category - Employee Comments — Employee only question

Employee Response

Although we do not always see eye-to-eye, I would like to thank Harold for his understanding and support. Although I do not do well at showing my appreciation in the moment, I recognize he has a busy schedule and knowing that he trusts my decisions makes my job easier. I know I was a difficult employee for a portion of this year, and I hope the adjustments I made over the past couple months show my willingness to change through reflection on my role in the organization.

Reviewer Response

Reviewer response is not required as this is an Employee only Question.

11 - Skill and proficiency in carrying out assignments	Weighted at 5%
Category -	Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

3 - Proficient

Assignments are carried out once Chief is able to dedicate the time to them. Projects can take longer at times than preferred. Examples would include helping resolve the parking ticket issue, negotiating the jail contract with the county, and renewal of the Animal Shelter contract.

12 - Possesses skills and knowledge to perform the job competently	Weighted at 5%
Category -	Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

4 - Highly Effective

John brings significant law enforcement experience and knowledge to the position. He is fairly well attuned to new methods and approaches to the profession.

13 - Skill at planning, organizing and prioritizing workload	Weighted at 5%
Category -	Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

3 - Proficient

I am not completely sure if some of the struggles in this area are a result of the amount of work Chief has to get done, a need to delegate, a need to do a better job prioritizing, or some combination of each. Chief has done a good job with his team planning and assessing needs for the police administration building, and transitioning the Dispatch Center.

14 - Holds self accountable for assigned responsibilities; sees tasks through tocompletion in a timely manner	Weighted at 5%
Category -	Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

3 - Proficient

I would give a rating of 4 on this category simply on the amount of accountability John has accepted this year, however the completing tasks in a timely manner makes a rating of 3 more appropriate.

15 - Proficiency at improving work methods and procedures as a means toward greaterefficiency	Weighted at 5%
Category -	Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

4 - Highly Effective

John and his team have made significant strides in implementing changes in procedures and approaches within the department to improve efficiency and sustainability. Implementing a rotation and updating the Axion equipment are some good examples.

16 - Communicates effectively with supervisor, peers, and customers	Weighted at 5%
Category -	Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

3 - Proficient

I believe Chief has done a good job communicating issues the Mayor and I need to be aware of in a timely manner. He communicates with some department heads better than others. I think regularly scheduling communication meetings with Legal, Finance and HR as outlined during our facilitated conversation this last year will enhance and improve some of the recent communication challenges.

17 - Ability to work independently	Weighted at 5%
Category -	Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

3 - Proficient

John has a significant workload and is self motivated to keep progressing.

18 - Ability to work cooperatively with supervision or as part of a team	Weighted at 5%
Category -	Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

3 - Proficient

As Chief alluded to in his comments he had a tough patch for a period this year. Once he recognized he was struggling, took some time off, and listened to some advice of those around him he has greatly improved over the last few months. He has been a better communicator, a better leader, and a better contributor to the management team. I appreciate his willingness to share his perspective and opinion in management team meetings.

	Weighted at 5%

19 - Takes specific steps to create and develop their diverse workforce and to promotean inclusive environment.

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

3 - Proficient

I don't think everyone in his department has bought into what he is trying to do, but I do believe John is trying to create a better and more inclusive environment. There has been turnover and a struggle to recruit new staff, but this is a struggle throughout the State and country. I have definitely appreciate his intentional efforts regarding mental health.

20 - Willingness to take on additional responsibilities Weighted at 5%

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

N/A - Not Applicable

John has enough on his plate with his current responsibilities and department needs.

21 - Reliability (attendance, punctuality, meeting deadlines) Weighted at 5%

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

3 - Proficient

No concerns, communicates well when he needs to be absent or late.

22 - Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — Weighted at 5%

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

3 - Proficient

I believe he has a good grasp and understanding on these principles. We usually agree on the priorities of his department, though perhaps the ranking of those priorities is where we sometimes don't see eye to eye on.

23 - Operation, Maintenance and Care of Department Equipment — Weighted at 5%

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

3 - Proficient

Has done a good job getting vehicles on contract and trying to save money over the long run. I think the change of having equipment installed professionally before delivery was also a wise change. I would still like to see how we could reduce accidents and damage involving patrol vehicles.

24 - Safety Habits, Use of personal protective equipment, Reports hazards	Weighted at 35%
Category -	Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Reviewer Response

3 - Proficient

No concerns at this time.

OVERALL COMMENTS

Employee Response

2023 has been very challenging for the police department and for the law enforcement community. The financial challenges faced by the City of Minot while also experiencing steady growth will take work by all, including the citizens. Tough decisions will have to be made, but we cannot stop advancing our services with hope that they will be less expensive or unneeded in the future, that will not happen. Communication will be key in these situations, as we saw with our presentation of PD space needs and the community focus group and open houses.

Reviewer Response

Overall Rating
3 - Proficient

John and his department have had some very difficult situations and some great successes this last year. The losses have weighed heavily on John this last year, but I believe he has found renewed strength and is in a better place now. This last year we have also made significant progress on rebuilding a stronger foundation for a better department in the future. These have included the Dispatch Center (which the transition was almost as flawless as could be hoped for), the space needs assessment for the administration building, and beginning the CPSM assessment. With these pieces coming online, and our focus on the potential Public Safety Tax, 2024 is positioned to be one of the most pivotal years in the history of the department. John's leadership and our ability to work together will be crucial to capitalizing on the potential of 2024.

EMPLOYEE ACKNOWLEDGEMENT

I hereby acknowledge that I have read and discussed this review with my manager. I understand that I may submit a comment which will be retained with this review.

Employee Signature

John Klug

Acknowledgement Date

01/16/2024

Employee Comments

No additional comments.

City of Minot

Employee's Name: John Klug

Title: Police Chief

Department: Police Department

Review Period: 2022 Annual Review

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
1. Skill and proficiency in carrying out assignments			3-Proficient			
Brief explanation: Assignments do typically get done, though it can take additional time and several follow-ups						
2. Possesses skills and knowledge to perform the job competently			3-Proficient			
Brief explanation: John is experienced in the police field and is competent						
3. Skill at planning, organizing and prioritizing workload			3-Proficient			
Brief explanation: Seems John consistently busy and productive, though assignment frequently take longer than committed to						
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner			3-Proficient			
Brief explanation: Always takes personal accountability						
5. Proficiency at improving work methods and procedures as a means toward greater efficiency		4-Highly Effecti				
Brief explanation: I think Chief and his management team are frequently looking for ways to improve and be more efficient. While some of the department is resistant to change I believe the changes are well intentioned.						
6. Communicates effectively with supervisor, peers, and customers			3-Proficient			
Brief explanation: Keeps me apprised of situations. Responds to emails.						
7. Ability to work independently			3-Proficient			
Brief explanation: Is independent, which is expected for a department head						

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 3- Proficient

Brief explanation: Has been working well with Chief Kelly, and the other departments when necessary. Contributes opinions in Department Head meetings

9. Willingness to take on additional responsibilities — 3- Proficient

Brief explanation: Is pretty busy and I don't know that it is appropriate to combine many other responsibilities with the Police Department

10. Reliability (attendance, punctuality, meeting deadlines) — 3- Proficient

Brief explanation: Not aware of any attendance issues. Projects can take longer than necessary to get completed at times

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 3- Proficient

Brief explanation: Meets expectations necessary for a police chief

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation: There seems to be a lot of accidents in the Police Department. With supply chain issues delaying repair and replacement this could become an issue for the department

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 3-Proficient

Brief explanation: Not aware of any issues

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. — 3-Proficient

Brief explanation: I believe John tries to be fair and listen to his staff.

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. — 3-Proficient

Brief explanation: Haven't heard any issues specific to appraisals

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. — 3-Proficient

Brief explanation: Chief and his team are trying to better develop their staff. It is difficult to change the culture of a police department but they are trying.

17. Delegates responsibility where appropriate, based on the employee's ability and potential. — 3-Proficient

Brief explanation: John's team and been reassessing and reorganizing to accomplish this.

18. Takes timely and appropriate corrective/disciplinary action with employees. — 3-Proficient

Brief explanation: Responds quickly and appropriately in this area.

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. — 4-Highly Effecti

Brief explanation: Minot has one of the most diverse departments in the State, especially with female officers.

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Chief and his team have been striving to change the culture and efficiency of the department. Although he doesn't necessarily agree with some organizational changes I appreciate he accepts them and works towards success.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Projects can tend to take significantly longer than the time frames Chief provides. Would like to see better engagement with his staff and shifts as I think this will build more unity and connection with his department. Use direct feedback in conjunction with what he hears from his supervisors.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Is there a leadership institute or training for police chiefs?

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

- Develop department mission and values.
- Develop a wellness plan, implement in phases.
- Continue to change the culture of negativity within the department.

5. List the employee's development goals for the coming year:

- Attend IACP and/or FBINAA conferences.
- Research other leadership institutes and training geared for police chiefs. Present in 2024 budget proposal.

This annual performance review will become part of your City of Minot personnel file. Please sign below to acknowledge that you have received this document.

Employee Signature: Date: 3/7/2023

Supervisor Signature Date: 3-8-23

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

I would like to see the Council reach out with questions when approached by citizens, prior to acting on what may not actually be a problem. I have seen several reactions to information where it is assumed we are not doing our job or supporting the community. In most of these situations, we just have to know what the complaint was and we can explain why something was or was not done.

Additionally, I have been targeted on several occasions by "unknown" or "anonymous" email writers, who also try to gain the attention of the media. I appreciate the support of the Council who have taken time to meet with me to let me explain who I am. It means a lot that they value what I have to say.

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

The City needs to continue to support our department's training plan in the coming years. We struggle to get our officers to quality training, but my plan is to focus on leading the charge with hosting training, affording more opportunities to our staff members without the added travel expense. We plan to supplement the plan with State funding and other grant type funds.

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department: Support the Command Team in our actions and decisions. We have a lot of experience and my team is in a great position with our communication.

c.) You:

4. What can your supervisor do to help you reach your professional potential?

Continue to support my requests to attend conferences and training for professional development.

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

☐ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Department Head Approval

Date:

Human Resource Director Review

Comments:

Human Resource Director Approval:

Date: 3-8-2023

City of Minot

Employee's Name: John Klug
Title: Police Chief
Department: Police Department
Review Period: 2021

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
1. Skill and proficiency in carrying out assignments			3-Proficient			
Brief explanation: Chief Klug is experienced and capable.						
2. Possesses skills and knowledge to perform the job competently			3-Proficient			
Brief explanation: Memos and work product are well written and researched.						
3. Skill at planning, organizing and prioritizing workload			3-Proficient			
Brief explanation: Chief seems to always be busy and has a lot on his plate. I am not sure I am completely aware of everything demanding Chief's time and attention.						
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner			3-Proficient			
Brief explanation: Chief Klug is good at taking accountability for his responsibilities and actions. Tasks can seem to wait until the last minute at times.						
5. Proficiency at improving work methods and procedures as a means toward greater efficiency			3-Proficient			
Brief explanation: Chief has involved his management team to assess and implement improvements for the department. I believe they are striving to be more efficient and effective						
6. Communicates effectively with supervisor, peers, and customers			3-Proficient			
Brief explanation: I am not aware of any communication issues or concerns at this time. The department does seem to occasionally have some breakdowns in communication with the general public (following through on cases), but once the Chief is involved they are resolved						
7. Ability to work independently		4-Highly Effecti				
Brief explanation: Does a good job of working independently. Identifies issues and solutions without need for much supervision or directive from my office.						

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 3- Proficient

Brief explanation: I think Chief has figured out how to be an effective member of the management team. He provides good input in discussions. I think he also works well with his department's management team.

9. Willingness to take on additional responsibilities — 4- Highly Effect

Brief explanation: Helped with the Mission and Values rollout. He and his department are involved in programs in the community and the State.

10. Reliability (attendance, punctuality, meeting deadlines) — 3- Proficient

Brief explanation: No issues or concerns at this time.

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 3- Proficient

Brief explanation: Chief Klug has done a good job analyzing situations and exercising good judgment.

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation: Helped consolidate Taser and camera equipment under one contract. At this time everything seems to operate and be maintained adequately.

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 3-Proficient

Brief explanation: I believe the PD has been proactive in developing safe practices and using protective equipment.

City of Minot

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
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N/A_Not Applicable	This item is not applicable to the employee's position

5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. — 3-Proficient

Brief explanation: I believe Chief treats is staff fairly and appropriately. He holds everyone accountable equally.

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. — N/A

Brief explanation: I will be able to assess better upon the completion of the 2021 Performance evaluations

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. — N/A

Brief explanation: I will be able to assess better upon the completion of the 2021 Performance evaluations

17. Delegates responsibility where appropriate, based on the employee's ability and potential. — 3-Proficient

Brief explanation: Chief appropriately delegates responsibility. I have not heard of any unreasonable expectations by the Chief for his department.

18. Takes timely and appropriate corrective/disciplinary action with employees. — 3-Proficient

Brief explanation: Chief deals with corrective/disciplinary issue promptly and appropriately.

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. — 4-Highly Effe

Brief explanation: Maintaining and recruiting police officers and staff has been difficult in the recent past. Chief is open to new approaches and methods, and I believe wants to foster an inclusive environment. While there is always room for improvement, Minot has one of the most diverse Police Departments I am aware of.

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Chief is honest and loyal. He is also very dedicated and passionate about his profession. I think he is doing a good job involving his staff in fostering appropriate changes in how the PD conducts business.

2. List aspects of employee's performance that require improvement for greater effectiveness.

There have been a few errors that Chief has taken accountability for. I think better systems of checks and balances need implemented within his department to prevent breakdowns prior to their needing involvement of the Chief. One of the most significant challenges for the Police Department is recruiting and retaining quality staff.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

I am not sure Chief needs increased responsibility as his position already has a significant amount. I would like Chief to research the requirements for potentially becoming a CALEA certified department.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Develop goals and performance measures that correlate with the Community Survey results.
Research CALEA Certification
Work with Derek Hackett on developing a Public Information plan within current resources
Develop RFP for Minot Pound Contract Bid
Bid out the City Towing Contract

5. List the employee's development goals for the coming year:

Develope new police department mission statement and values. Ensure it compliments the City Mission Statement.
Engage employees with the new City Mission Statement.
Develop better organizational skills to ensure tasks are completed in a timely manner.
Work to communicate clearly with the City Manager and other members of the Management Team.
Identify and clearly present department needs during budget process.
Continue independent self-improvement in various areas of leadership (reading/research).
Develop my Command and Leadership Teams to for increased responsibility and involvement in City administrative processes.

This annual performance review will become part of your City of Minot personnel file. Please sign below to acknowledge that you have received this document.

Employee Signature:	Date:
/s/ John Klug	12/03/2021
Supervisor Signature	Date:
[signature]	12-6-2021

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

☒ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Department Head Approval

Date: 12-16-2021

Human Resource Director Review

Comments:

Human Resource Director Approval: Lisa Jundt

Date:

Disciplinary Actions under Chief Klug

1. Kevin Cory - Use of Force - July 24, 2020
2. Josh Lund – Pursuit Review – September 25, 2020
3. Josh Lund – Pursuit Review and Use of Audio/Video – December 15, 2020
4. Kevin Wilk – Untruthful Statement in Investigation – October 19, 2021
5. Connor Kircher – Withholding Information Investigation – October 11, 2021
6. Kristian Shaide – City Property Damage – July 1, 2024
7. Kristian Shaide – City Property Damage – December 15, 2022
8. Amanda Somerville – Standards of Conduct – December 5, 2022
9. Dan Batteiger – Missing Narcotics – February 23, 2024

City of Minot

Police Department

July 24, 2020

To: Master Officer Kevin Cory

Ref: Investigation of Use of Force Concerns (Internal Case #20-5)

On December 2, 2019 Officer Cory arrested Willie Jackson Jr. (19-38060) and Jackson was ultimately charged with charges in Municipal and District Court. I received a call from an Assistant Ward County State's Attorney in March 2020 after taking over as Chief of Police. They were concerned about what they saw when they watched the video of Officer Cory dealing with Jackson. I reviewed the video and had concerns, but by itself, I did not proceed with an internal investigation.

On May 3, 2020 I assigned Lt. Matt McLeod to the Office of Professional Standards, a new position created for the Minot Police Department. In that role, one of his first tasks was to work on a way to better track officers' use of force incidents. Through that process, Lt. McLeod identified Officer Cory had a higher occurrence of reporting use of force. That information paired with the recent report of concern with Jackson and the discipline Officer Cory received in August 2019 for an incident, I requested Lt. McLeod review his use of force cases in 2019 and 2020 to see if there were any other concerns.

Lt. McLeod reported back to the command staff in June and informed us that there were 5 cases of concern from 2019, which all had potential violations of Minot Police Department policy. The details of those incidents and investigations into the incidents are documented in Lt. Matt McLeod's report for his investigation.

Some of the cases from 2019, if considered individually, may not warrant significant discipline against an officer. However, in viewing the cases collectively, it is clear that Officer Cory exhibits a pattern of excessive force and/or abuse of authority. There have been prior attempts to correct this behavior, but those attempts did not resolve or alleviate the issues. Further corrective actions will not likely be an effective method for Office Cory.

Although the facts surrounding 20-5.1 fit the written definition of Policy # 300.3.1 and 322.5.9, it appears Officer Cory attempted to stop the subject just after he entered the house and that attempt pulled him beyond the threshold of the door and into the residence. The arrest was made as he grabbed onto the subject and was pulled into the residence while taking him into custody and handcuffing him. I find these violations are not sustained.

In 20-5.2 the attempt to control and detain a person who may have been the driver in a motor vehicle crash led to Officer Cory forcefully slamming the subject to the roadway, then delivering a knee strike to his back. The male was not cooperating, but to that point he was not under arrest and was not physically resisting the officers. I agree with all three policy violations in this case and find Officer Cory was in violation of Policy # 300.3.1, 300.3, and 322.5.9.

Case # 20-5.3 led to a confrontation with a person who was a passenger in a car and had a warrant for his arrest. During this incident, Officer Cory reached into the vehicle to grab a beer bottle the subject was about to take a drink out of and after grabbing the bottle away from the subject, went back to grab him and the window began going up. Officer Cory said his arm was "stuck" in the window; however, upon review of body camera video, Officer Cory is clearly striking the subject in the face and his arm is not stuck. He then stepped away from the vehicle and tried breaking the window with his flashlight. He then radios that he was assaulted. The evidence shows there was not an officer assaulted. I agree Officer Cory violated Policy # 322.5.8(a), 322.5.9(c), and 300.3.1. In this case I tend to find 300.3 to be not sustained as the violation of 300.3.1 covers the unreasonable force in this case.

Case # 20-5.4, Officer Cory responded with other officers to the report of a possible domestic violence call. When officers arrived, they could hear a female screaming and a male yelling and they attempted to breach the door due to fear that the female was being assaulted. The male subject opened the door and he was completely naked. He was immediately taken to the ground and handcuffed. He was taken into the hallway where they put a pair of pants on him. I believe, given the circumstances, everything to this point was handled within policy. Then, while in the hallway, the subject leans toward Officer Cory and makes a few comments. Officer Cory grabs the male by the back of the neck and throws him to the ground. At this point I agree that he violated Policy 322.5.9(b), (c), and (f). Additionally, I find Officer Cory in violation of Policy # 322.5.8(a) because of the video evidence and his description of the incident to Sgt. Johnson when he arrived on scene and what he describes in his report.

Case # 20-5.5 Officer Cory responded to a report of a male in the roadway yelling. Officer Cory approached the male without a cover unit and was told by the subject that he was on the phone. Officer Cory forced the point of trying to identify the male even though there was no other enforcement action to take at that point. I agree Officer Cory violated policy 322.5.9(c) and (f) in this case. I do not think there is enough evidence to find he violated subsection (b) in this case.

In addition to the first five cases I also feel it is necessary to outline another case that occurred in 2019 about one month after Officer Cory used excessive force against a male on a traffic stop which ultimately led to disciplinary action and suspension. In 20-5.6 officers responded to a disorderly conduct call at My Place hotel. This incident was reported as a fight and when officers arrived there was not an active fight. Officers Cory and Shaide stayed on scene and eventually, one of the males became agitated and started arguing with officers. This incident ultimately ended with the male being tased and arrested for disorderly conduct and preventing arrest. In this case, Policy # 300.3.1, 300.3, 322.5.9(b), (c), and (f) are all sustained based on the facts of the case. In reference to Policy # 322.5.8(a), I also sustain this violation based on the inconsistency of the video evidence, verbal description to the field supervisor, and written report for the case.

Finally, I had also directed Lt. McLeod to look at all cases from 2020 in which Officer Cory was involved in a use of force. There were two incidents reported and one of the two (20-5.7) was a traffic stop of a vehicle during which the driver got out of the vehicle upon coming to the stop. Officer Cory immediately pulls his gun and orders the subject to his knees, handcuffs him, and detains him and there is nothing to support this response. I sustain the violations of Policy # 300.3 and 322.5.9(b), (c), and (f) in this incident.

Findings: In the seven (7) cases listed above I have confirmed there are several policy violations. The following policy violations are **sustained** and are basis for the disciplinary action in this case.

- Policy 300 – Use of Force
  - 300.3 – Use of Force
    - Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.
  - 300.3.1 – Use of Force to Effect an Arrest
    - An officer may use reasonable force to effect an arrest if, after notice of intention to arrest the person, the person either flees or forcibly resists (N.D.C.C. 29-06-13)
- Policy 322 – Standards of Conduct
  - 322.5.8 – Performance
    a. Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.
  - 322.5.9 – Conduct
    b. Unreasonable and unwarranted force to a person encountered or a person under arrest.
    c. Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct.
    f. Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the City.

Decision: As a result of these findings I am ordering the following:

- Kevin Cory's employment with the City of Minot – Police Department is to be terminated unless he chooses to resign.
- If Kevin Cory chooses termination, any grievance or appeal will follow the process set aside in the City Employee Manual, Chapter 7.

John Klug, Chief of Police — Date 7/24/2020

I have been given a copy of this disciplinary decision.

Kevin Cory, Master Police Officer — Date 7/24/2020

Witnessed by:

Justin Sundheim, Captain — Date 7/24/2020

City of Minot

Police Department

COPY

September 25, 2020

To: Master Police Officer Joshua Lund

Ref: Internal Investigation # 20-9

This letter is a summary and order of discipline resulting from Officer Lund's performance while under a formal performance improvement plan. Capt. Sundheim has forwarded a summary of investigation for my review on September 24th, 2020 (*attached*). I have reviewed the report as well as any video available for review pertaining to Officer Lund's driving and emergency driving and the concerns expressed by his supervisors and I agree with the findings.

In addition to the cases outlined I conducted a random review of several fleet videos on file of Officer Lund and I found additional video that showed clear violations of policy. These are not included in the summary or this letter, but only mentioned to show that there appears to be a continual problem with Officer Lund's driving, and something must be done to correct the problem.

As stated earlier, Officer Lund is currently on a performance improvement plan (PIP) to address concerns about his driving. This PIP was originally put in place on January 16, 2020. It was adjusted on August 1, 2020 to incorporate specific driving concerns and it is monitored by Sgt. Jared Foley and Lt. Shane Haug. Officer Lund had previously been disciplined for driving related issues as follows:

- February 19, 2019 – Written reprimand for pursuit / driving related policy violations.
- October 3, 2019 – Received a 3-day (30 hour) suspension without pay for driving related to a pursuit on June 23, 2019.

Findings: The actions by Officer Joshua Lund during his many attempts to stop traffic violators and respond to calls put the community we serve at increased risk of accident or injury. The failure to use emergency equipment and/or excessive speeds traveled are unacceptable. I find the following policy violations are all **sustained** and are basis for the disciplinary action in this case.

- Policy 322 – Standards of Conduct
  - 322.5.10 – Safety
    (f) Unsafe or improper driving habits or actions in the course of employment or appointment.

- Policy 308 – Officer Response to Calls
  - 308.2 – Response to Calls - Officers responding to an emergency call shall proceed immediately. Officers shall continuously operate emergency lighting equipment and, if appropriate, sound the siren (N.D.C.C. § 39-10-03). Responding with emergency lights and siren does not relieve the officer of the duty to drive with due regard for the safety of all persons and property and does not protect the officer from the consequences of reckless disregard for the safety of others.
    a. In pursuit or apprehension of a violator or suspected violator.

b. Dispatched or otherwise in response to a reported emergency involving a possible personal injury, death, or damage to property.

Discipline: As a result of these findings I am ordering the following for Master Officer Joshua Lund:

- Officer Lund will be suspended without pay for a period of 16 days (160 hours).
  - Josh will honor all subpoenas during this suspension. The subpoena fee will be his compensation for attending court.
- Officer Lund's pay will be deducted 5% effective Sunday, September 27, 2020 for a period of 24 weeks (168 days).
- Officer Lund will not receive his 2021 pay plan step increase.
- Officer Lund will complete a review of 10 assigned videos and assess his driving behaviors and policy violations. He will complete a written report outlining his observations to the Chief of Police.
- Officer Lund will undergo remedial training with Lt. Matt McLeod where he will further discuss the videos outlined above as well as discuss department policy, procedures, and best practices.
- A copy of this letter will be placed in the personnel file of Joshua Lund at the City of Minot Human Resource Office.

Any future violations of policy may result in progressive disciplinary action, up to and including termination.

John Klug, Chief of Police — 9/25/20 Date

I have been given a copy of this disciplinary decision.

Joshua Lund, Master Police Officer — 9-25-2020 Date

Witnessed by:

Justin Sundheim, Captain — 9.25.20 Date

Optional waiver:

I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

Joshua Lund — 9-25-2020 Date

INTERNAL INVESTIGATION

Minot Police Department

Internal Case File 20-9

EMPLOYEE: Josh Lund

DATE OF INCIDENT: May 2020-Sept 2020

INVESTIGATION PERFORMED BY:

Capt. Justin Sundheim

DATE OF COMPLAINT/INVESTIGATION: 09.22.20/09.24.20

SYNOPSIS:

Officer Lund is under a performance improvement plan (PIP) to include monitoring emergency driving situations. During that review, Sgt. Foley documented several incidents that were of concern. Those incidents, as well as past incidents where Officer Lund was verbally counseled were investigated to better understand a totality of the situation.

SUMMARY OF INVESTIGATION:

Lt. Haug discussed an incident of concern with me where Officer Lund was traveling over 100 mph in pursuit of a speeding vehicle. Lt. Haug issued a letter of counseling on 09.22.20 regarding the incident. Upon review of the video, (20-26602) Officer Lund passes one vehicle on the right over 100 mph (without emergency lights). A separate vehicle is at an intersection and pauses after beginning to enter the roadway. Driver appears to have noticed Lund's speed as he approached.

A further discussion with Lt Haug revealed that Sgt. Foley had documented several incidents of concern during the course of the PIP review. (list is attached)

09.22.20-I met with Officer Lund and Lt. Haug in my office. Lt. Haug counseled Officer Lund on the above mentioned incident (20-26602). Copy of counsel attached.

I gave Officer Lund notice of investigation in regards to this case. (attach) He was informed multiple incidents will be reviewed in regards to adhering to driving relating policies.

09.24.20-I reviewed the following incidents.

20-14088 (05.20.20). Accident call. Unable to review video as it has expired. See Sgt. Foley documentation (attached) for detailed description. Sgt. Foley indicated Officer Lund was traveling 40/25 without lights or siren initially. Upon activation of lights, Officer Lund then proceeds to travel speeds up to 51 mph in a residential area (1100-1400 blk of 3rd St SE)

----Upon review of the radio dispatch, it is reported as a "possible" Injury accident as the reporting party just wanted her 5 yr old checked out as they "bumped" their head.

Minot Police Department

20-20276 (07.15.20) Officer Lund begins to respond to assist Officer Wilkerson who is at the Sportsmans Loft. Wilkerson is investigating a recovered stolen firearm case. The situation begins to escalate and Officer Lund begins to respond. At least one other unit is in the area with Officer Wilkerson. In the review of the Fleet video and radio traffic, the follow was determined.

---Officer Lund was southbound on S. Broadway in about the 800 blk when he radios, he will respond. He begins to accelerate and approaches 55 mph (35 zone) before lights and eventually siren was activated.

---Officer Lund does a good job at slowing at intersections but is traveling consistently around 60 mph (64 max) in the center turn lane. It is 1000 AM on a weekday with relatively heavy traffic.

---Officer Wilkerson radios that responding units can slow their response. Officer Lund acknowledges, but continues to travel in the middle no-travel portion of the road, opposite side of road, passing multiple cars in in speeds of 35-50 mph. This occurs from 2000 blk-2800 blk of S. Broadway.

20-22903 (08.08.20) Officer Lund is initiating a traffic stop on a speeding vehicle. Officer Lund is initially traveling southbound in the 2200 N. Broadway and turns around at that intersection. Officer Lund travels at speeds between 75-80 mph (40 and 55 zone) attempting to get behind the vehicle. Traffic is moderate so Officer Lund must negotiate 3 separate vehicles and lane changes before getting behind the vehicle in question.

20-24871 (08.27.20) Officer Lund is responding to a medical call. As Officer Lund is negotiating the bridge curve (near Valley on 27th St SE), he travels in the middle lane and even encroaches into the opposite lane. There is another vehicle approaching the same curve from the opposite direction.

20-27370 (09.18.20) Officer Lund initiates apprehension of a traffic violator. Officer Lund turns around at 8th St NW/3rd Ave and begins to travel westbound to catch up to the vehicle. As Officer Lund negotiates the curves (as it transitions to 4th Ave), he travels into eastbound traffic lane in speeds of excess of 50 mph. (51-56 mph)

Based on the facts gathered during this investigation, violations in regard to MPD **Policy STANDARDS OF CONDUCT 322.5.10 SAFETY** are **SUSTAINED.**

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

Minot Police Department

Violations in regard to MPD Policy **OFFICER RESPONSE TO CALLS 308** are **SUSTAINED.**

308.2 Officers responding to an emergency call shall proceed immediately. Officers shall continuously operate emergency lighting equipment and, if appropriate, sound the siren (N.D.C.C. § 39-10-03). Responding with emergency lights and siren does not relieve the officer of the duty to drive with due regard for the safety of all persons and property and does not protect the officer from the consequences of reckless disregard for the safety of others.

Officers should only respond to a call as an emergency response when (N.D.C.C. § 39-10-03(2)):

(a) In pursuit or apprehension of a violator or suspected violator.
(b) Dispatched or otherwise in response to a reported emergency involving a possible personal injury, death or damage to property

05.20.20 (20-14088) Officer Lund is responding to a possible injury accident, however dispatch distinctly informs responding units that the reporting party just wanted her 5 yr old "checked out". Emergency response is not proper or needed for this type of call.

07.15.20 (20-20276) Officer Lund is responding to a call for assistance. Even though policy allows officer discretion for emergency response, Officer Wilkerson had notified other officers (per policy 308.4) to slow response. As a result, Officer Lund's response is in violation of policy specifically 308.

08.27.20 (20-24871) Officer Lund is responding to a medical call. Officer Lund travels in and crosses over the middle turn lane and unnecessarily encroaches into the opposite lane of traffic. Oncoming traffic is visible. Although using part of the middle turn lane may be useful/safe when responding code as it could increase reaction time, the vehicle should not encroach into oncoming traffic unnecessarily, as in this incident.

09.18.20 (20-27370) Officer Lund is attempting to stop a suspected traffic violation. In doing so, before he activates his emergency lights, he travels in the opposite side/traffic on a curve, in excess of 20 mph over the speed limit.

CONCLUSION:

It appears Officer Lund has difficulty determining when activation of emergency lights is appropriate, required, or allowed. It also appears Officer Lund consistently and unnecessarily goes into potential oncoming traffic lanes while either responding to calls or pursuing a traffic violator.

Forwarded to Chief Klug for further review.

Captain Justin Sundheim

City of Minot

COPY

September 25, 2020

Police Department

To: Master Police Officer Joshua Lund

Ref: Internal Investigation # 20-9

This letter is a summary and order of discipline resulting from Officer Lund's performance while under a formal performance improvement plan. Capt. Sundheim has forwarded a summary of investigation for my review on September 24th, 2020 (*attached*). I have reviewed the report as well as any video available for review pertaining to Officer Lund's driving and emergency driving and the concerns expressed by his supervisors and I agree with the findings.

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Findings: The actions by Officer Joshua Lund during his many attempts to stop traffic violators and respond to calls put the community we serve at increased risk of accident or injury. The failure to use emergency equipment and/or excessive speeds traveled are unacceptable. I find the following policy violations are all **sustained** and are basis for the disciplinary action in this case.

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  - 322.5.10 – Safety
    (f) Unsafe or improper driving habits or actions in the course of employment or appointment.

- Policy 308 – Officer Response to Calls
  - 308.2 – Response to Calls - Officers responding to an emergency call shall proceed immediately. Officers shall continuously operate emergency lighting equipment and, if appropriate, sound the siren (N.D.C.C. § 39-10-03). Responding with emergency lights and siren does not relieve the officer of the duty to drive with due regard for the safety of all persons and property and does not protect the officer from the consequences of reckless disregard for the safety of others.
    a. In pursuit or apprehension of a violator or suspected violator.

City of Minot

Police Department

December 15, 2020

To: Master Police Officer Joshua Lund

Ref: Internal Investigation # 20-14.1

This letter is a summary and order of discipline resulting from Master Police Officer Lund's performance resulting from an incident that occurred on November 15, 2020. Lt. Matt McLeod was assigned the investigation into an incident wherein he responded to the north city limits on Highway 83 to be in the area as a Ward County Deputy approached Minot in pursuit of a vehicle.

Officer Lund heard the radio traffic of the Ward County Unit and called the Shift Commander to request permission to respond to the area of North Highway 83 to be in the area and assist if needed. The call to the desk was answered by Master Police Officer Erik Laudenschlager who was the field supervisor and filling in for Sgt. Jared Foley while he was away from the police department. During the call Officer Laudenschlager told Officer Lund he could respond to the area and help if needed, but he did not have permission to spike the vehicle. Officer Lund acknowledged the message delivered to him by Officer Laudenschlager. This was confirmed with video obtained from the Ward County Sheriff's Department from the in-car video from the pursuing deputy's patrol car.

Officer Lund is currently on a performance improvement plan (PIP) to address concerns about his driving. This PIP was originally put in place on January 16, 2020. It was adjusted on August 1, 2020 to incorporate specific driving concerns and it is monitored by Sgt. Jared Foley and Lt. Shane Haug. Officer Lund had previously been disciplined for driving related issues as follows:

- February 19, 2019 – Written reprimand for pursuit / driving related policy violations.
- October 3, 2019 – Received a 3-day (30 hours) suspension without pay for driving related to a pursuit on June 23, 2019.
- September 25, 2020 – Received a 16-day (160 hours) suspension without pay, 5% deduction in pay for 24 weeks (168 days), loss of 2021 pay increase, and remedial training pertaining to emergency driving.

In addition to the points made above, I met with the supervisors who are assigned to Day Shift (Lt. Shane Haug, Sgt. Jared Foley, Sgt. Jason Bambenek, and Sgt. Joshua Noyes) and work with Officer Lund. All expressed concern with Officer Lund's judgement and decision making and they have lost confidence in his ability to perform at the level of a Master Police Officer with the department. The supervision on the shift has adjusted their decision making to allow less control by Officer Lund when they know he is on a higher priority call to try to mitigate any increased risk of liability caused by the pattern of poor decisions and policy violations. The latest policy violations, which are addressed in this letter, occurred on Officer Lund's 12th day of work since returning from a 16-day suspension.

Findings: The actions by Officer Joshua Lund during this incident violated multiple Minot Police Department policies. A full report and explanation of these violations are outlined in Lt. McLeod's investigative summary. I find the following policy violations are all **sustained** and are basis for the disciplinary action in this case.

- Policy 307.8 – Pursuit Intervention
  - 307.8.1 – When Use is Authorized – Whenever practical, an officer shall seek approval from a supervisor before employing a pursuit intervention tactic.
  - 307.8.3 – Intervention Standards
    (b) Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the officer should notify pursuing units and the supervisor of the intent and location.

- Policy 420 – Mobile Audio/Video
  (a) All field contacts involving actual or potential criminal conduct within video or audio range. (3) Vehicle Pursuits
  (b) All self-initiated activity in which an officer would normally notify Minot Central Dispatch
  (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate.

- Policy 422 – Portable Audio/Video Recorders
  - 422.9 – Activation of the Audio/Video Recorder
    (c) Self-initiated activity in which a member would normally notify Minot Central Dispatch.

- Policy 322 – Standards of Conduct
  - 322.3 – Directives and Orders – Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

The report provided by Lt. McLeod outlines the violations of policies 307 – Pursuit Intervention, 420 – Mobile Audio/Video, and 422 – Portable Audio/Video Recorders. His report did not outline the violation of policy 322 – Standards of Conduct as it pertains specifically to policy 322.3 – Directives and Orders. All were violated by Officer Lund when he deployed the spike strips against the direction of the Field Supervisor in charge at the time and did not notify the pursuing deputy of his intention to do so. Officer Lund also failed to activate his in-car and body camera video during the incident. One reason provided was that the incident happened too fast and he did not have time. That is clearly not the case as any of these would have taken just a few seconds to perform to be compliant with department policy.

Discipline: As a result of these findings, I am ordering the following for Master Officer Joshua Lund:

- Officer Lund's employment with the City of Minot – Police Department is to be terminated unless he chooses to resign. Any appeal of this decision will follow the City of Minot policy.
- A copy of this letter will be placed in the personnel file of Joshua Lund at the City of Minot Human Resource Office.

John Klug, Chief of Police

12/16/2020
Date

I have been given a copy of this disciplinary decision.

Joshua Lund, Master Police Officer

12-16-20
Date

Witnessed by:

Justin Sundheim, Captain

12-16-20
Date

Optional waiver:

I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

Joshua Lund

Date

Internal Investigation

Minot Police Department
Internal Case File #20-14.1
PD Case File #20-33291

Employee:
Master Officer Josh Lund
Date of Incident:
11/15/20
Investigation Performed By:
Lt. Matt McLeod

Date of Complaint / Investigation:
11/16/20 – 11/20/20

Summary of Investigation:

On the morning of November 16th, I was notified by Lt. Haug and Sgt. Foley of an incident that occurred the day before. The Sheriff's Office had been involved in a pursuit that ended up coming to Minot. Officer Lund responded to the north end of town. He subsequently attempted to use tire spikes on the suspect vehicle. I was advised that not only had he not been given permission to spike by the supervisor, he was told specifically not to. I was further advised that the only video of the incident was a 2-minute body cam video from Officer Lund, after the subject had crashed and he was talking to deputies.

11/16/20

I pulled the phone call that Officer Lund made to Officer Laudenschlager at the shift commander's desk. Officer Lund advised him of the county pursuit and requested permission to head up to the north side of town and 83 to be in position to deploy spikes. Officer Lund was told that he could head up there but was specifically told that he was not authorized to put out strips. There was no further phone communication or radio traffic between Officer Lund and Laudenschlager until after the attempt to spike was made. The call was added to the file

I checked on Evidence.com for video of the incident. As told, the only thing there was a short video from Officer Lund after the incident ended. In that video, I saw that Officer Lynn had been on scene as well. I contacted Capt. Kraft from the Sheriff's Office to request their video. A while later I received the video from Deputy Wyatt Smith's car. As the pursuit was southbound towards Minot, Officer Lund's patrol car can be seen parked in a crossover without its emergency lights. The suspect driver realized what was going on and drove through the ditch and into the northbound lanes. Officer Lund could be seen trying to get over to those lanes and throwing the spike strip. He was not successful. The suspect driver subsequently crashed his car into a light pole and rolled the car. The in-car video was added to the file as well.

In the video from Deputy Smith, Officer Lund can be seen moving to the northbound lanes, and deploying the spike strip after the suspect car, drove through the ditch and into the northbound lanes. The spike deployment was not successful. This was done without requesting permission from supervision.

307.8.3(b) Intervention Standards – *Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the officer shall notify pursuing units and the supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.*

Officer Lund set up at a cross-over north of 46th Ave NW. He did not radio to dispatch or to pursuing officers of his location and intent to deploy spikes.

#420 MOBILE AUDIO/VIDEO

420.4.1(a)3(b)(e) Required Activation of the MAV – *This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.*

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range.

3. Vehicle Pursuits

(b) All self-initiated activity in which an officer would normally notify Minot Central Dispatch.

(e) Any other circumstance where the officer believes that a recording of an incident Would be appropriate.

The in-car system was not activated during this incident. Officer Lund did not use emergency equipment in his response to the location on N 83, therefore the system would need to be manually started. That should have taken place after he arrived at his location.

#422 PORTABLE AUDIO/VIDEO RECORDERS

422.9(c) Activation of the Audio/Video Recorder - *This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.*

The portable recorder should be activated in any of the following situations:

(c) Self-initiated activity in which a member would normally notify Minot Central Dispatch.

The body cam for Officer Lund should have been activated while en-route to the location on N 83, or at the latest when he arrived there. The spiking of a pursued vehicle is a high liability event and certainly falls under the parameters of events to be recorded. While Officer Lund

City of Minot

Police Department

October 19, 2021

To: Sergeant Kevin Wilk

Ref: Internal Investigation 21-13.1

This is a summary and order of discipline resulting from an investigation into the use of door codes to access Minot Central Dispatch. I had issued a directive in August 2020, limiting access to Minot Central Dispatch to ensure their safety and health due to an increase in COVID cases in the Minot community. On August 19, 2021, I reissued the mask directive and suggested to my command staff that we consider removing officer codes from the dispatch door. On August 30, 2021, Captain Justin Sundheim sent an email stating... *effective immediately, most personnel will not have access to enter dispatch. Supervisors will have continued access but are expected to only enter dispatch when absolutely needed.* Capt. Sundheim was informed that Officer Kircher was seen in dispatch, and it was noted that he used a code that was not his to enter the room. When asked by PSAP Manager Margaret Haugan, Kircher did not provide the name of the person whose code he used. The investigation was opened on September 20, 2021. Upon completion of the initial interviews, I determined there was an obvious inconsistency between the statements given by Officer Kircher and the one given by Sergeant Wilk.

I redirected Lt. McLeod to interview all officers on Afternoon Shift to determine if Sgt. Wilk had given them his code. This was due to Sgt. Wilk saying he did not give the code during his initial interview, and again when I asked him specifically if he had given his code to Kircher and he said "No". My conversation with Sgt. Wilk occurred on October 5th around 4:45 PM in my office. I had also spoken with Officer Kircher, and he was detailed in how he asked Sgt. Wilk for his door code later the same evening that he witnessed Sgt. Wilk give his code to the door to multiple officers who were in the shift commander's office. Kircher said when he got to the door, he paused and asked Sgt. Wilk, what's the code for the door again, and Sgt. Wilk said the code out loud, and Officer Kircher entered dispatch.

Officer Kircher began his employment with the Police Department on April 12, 2021 and was on probationary status with the City of Minot until his termination on October 11th, 2021. His termination was due to multiple policy violations stemming from this incident and as a probationary employee, I thought it in the best interest of the Police Department and City to do so.

Lt. McLeod interviewed twelve (12) additional officers assigned to afternoon shift on October 7th and 8th and submitted his report. Those interviews indicated that more officers were either given Sgt. Wilk's code directly from him or they witnessed Sgt. Wilk give the code to another officer.

On October 9th, 2021, at about 4:00 PM, I met with Lt. Shane Haug and Sgt. Kevin Wilk in my office, and I placed Sgt. Wilk on paid administrative leave. On October 11th I received a text from Sgt. Wilk asking if I could give him a call as he had questions about the administrative leave. I called Sgt. Wilk that afternoon and he asked if he was under investigation. I told him that due to the inconsistencies reported in the original statements and in some of the others that had been completed, that he was now the subject of an internal investigation, and that Captain Dale Plessas was assigned to complete the remaining tasks I found necessary. I further explained that Capt. Plessas would likely be reaching out on October 12th to conduct a follow up interview with Sgt. Wilk. He said that answered all of his questions and started to explain his position and the fact that he knows he violated policy and was "misleading" when he spoke

to me. Sgt. Wilk went on to explain that he thought he was misleading because when I asked him directly if he gave Kircher his door code so he could enter dispatch he said "no" and he should have said I don't remember. He kept trying to explain and I cut him off and explained I didn't want to go any further with the conversation and that I was not going to ask him any questions. I again explained that Capt. Plessas was assigned to conduct the remaining portion of the investigation and he would take a follow up statement from him. Our conversation lasted about 7 minutes and happened via cell phone so there is no recording of that call.

Another question asked of Sgt. Wilk was whether he remembered seeing officers in dispatch in violation of the directive. Sgt. Wilk said he had not seen any officers going in dispatch or being in dispatch. Even if Sgt. Wilk "can't remember" giving his code to multiple officers; it is not likely that he also can't remember officers violating a directive that had recently been readdressed by Capt. Sundheim. Sgt. Wilk acknowledges knowing about the directive, but it is also well known that it is not a popular rule among officers. Officer Andrade said in her statement that Sgt. Wilk gave her his code so she could go into dispatch and get some pizza and he accompanied her in. He should certainly remember that taking place, but that was only one officer who used his code.

Capt. Plessas informed me on October 12th that he had completed the three interviews I had asked for and was working on his report and said he should have it completed the following day. He explained that the recordings were available in the internal file on the server. That evening I asked for a link so I could submit the audio files for transcription, which I did the morning of October 13th. I listened to the audio recording of Sgt. Wilk being interviewed by Capt. Plessas and I was disappointed to hear Sgt. Wilk continue to be untruthful and misleading about giving out his code. The difference in the follow up interview was that Sgt. Wilk was now being non-committal to a solid answer and continually said he can't or doesn't remember giving Kircher or any other officers the code to the door. He also explained that the only reason he would give the code to an officer was if there was "some kind of emergency" in dispatch and he doesn't remember there ever being an occasion that was like that.

Two of the additional interviews that I asked for were Sgt. Matt Pappenfus and Sgt. Tyler Ruelle. This was because Sgt. Wilk stated in his first interview with Lt. McLeod and again when I spoke to him that he gave his code to Sgt. Pappenfus because he was a sergeant, and his code was not working. In addition, while speaking to me Sgt. Wilk said he couldn't remember if it was Sgt. Pappenfus or Sgt. Ruelle that he gave his code to but said they couldn't get in with their code. Sgt. Pappenfus said he did get a code from another sergeant, and he was pretty sure it was Sgt. Wilk, but that it was back in June or July right after he got promoted and he used it to access a storage closet, not dispatch. Sgt. Ruelle said his code wasn't working, but that he did not get the code from Sgt. Wilk and just used the window or called into dispatch if he needed something until he was given his access back.

Based on all of the information provided through the interviews and door audits, I believe Sgt. Wilk is not being truthful about his involvement in giving out the door code to other officers. His misleading statements and untruthfulness show a lack of integrity and will damage his credibility in the law enforcement profession. Upon determining that my intent was to discipline Sgt. Kevin Wilk for his misleading and false statements in this investigation, I spoke with the Ward County State's Attorney, Roza Larson, and asked if this disciplinary action would in fact damage his credibility and be necessary to disclose under Brady/Giglio in all future court proceeding and she said it would.

Based on the information provided throughout both investigations, I find the following violations of policy and state statute.

Findings: The investigation into the use of the door code led to obvious inconsistencies in the statements provided by Sgt. Kevin Wilk and Connor Kircher. Multiple officers indicated Sgt. Wilk provided his code to them or other officers to use to access the dispatch center. A full report of all findings in this internal investigation was submitted by Capt. Dale Plessas and will provide more details into this investigation. All recordings and transcripts of several interviews were also used for my findings of the following violations of policy which are all **sustained** and are basis for the disciplinary action in this case.

- Policy 322 – Standards of Conduct
    - 322.3 DIRECTIVES AND ORDERS

  Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.
  - 322.5 CAUSES FOR DISCIPLINE
    - 322.5.1 LAWS, RULES, AND ORDERS

    (b) Disobedience of any legal directive or order issued by any department member of a higher rank.

    (c) Violation of federal, state, local, or administrative laws, rules, or regulations.
    - 322.5.2 PERFORMANCE

    (c) Failure to participate in an investigation, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
    - 322.5.10 SAFETY

    (a) Failure to observe or violating department safety standards or safe working practices.

The facts obtained through this investigation clearly shows that Sgt. Wilk provided his door code to officers so they could access dispatch in violation of the directive. There was no purpose for their access to be granted as they could have accomplished any business from the shift commander's office. Allowing the officers to use his code jeopardized the safety of the dispatchers working as they do not wear protective masks due to the nature of their job. Sgt. Wilk promoted the violation of the directive by his subordinates by providing the code and letting them enter the dispatch center.

- Policy 1005 – Personnel Complaints
  - 1005.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

    (j) All employees shall provide complete and truthful responses to questions posed during interviews.

Based on the statements provided by the officers assigned and working with afternoon shift, it is clear that Sgt. Wilk provided his code directly to several of the officers with the intent to allow them enter dispatch. Sgt. Wilk originally answered "no" when asked about giving out his code. He then changed his answers to... I can't remember... after being questioned again. I also needed to know if Sgt. Wilk was

being untruthful in his statement since he is not only a police officer, but also a supervisor. Both of those positions require high integrity, honesty, and trust.

- ND Century Code: 109-02-05-01 – Peace Officer Code of Conduct
  - 4(e) To willfully lie, provide false testimony, provide misleading information or falsify written or verbal communications in reports when the information may be relied upon by the courts, state's attorneys, or other law enforcement officials.

All officers are required to read and sign acknowledgement of the ND Peace Officer Code of Conduct every 3 years when they renew their license. It is well known in the law enforcement profession that honesty is the key to a successful career. Knowing there were statements made by Sgt. Kevin Wilk that were not accurate and truthful requires the following disciplinary action.

Discipline: As a result of these findings, I am ordering the following for Sergeant Kevin Wilk:

- Sgt. Wilk's employment with the City of Minot - Police Department be terminated unless he chooses to resign. Any appeal of this decision will follow the City of Minot policy.
- A copy of this letter will be placed in the personnel file of Kevin Wilk at the City of Minot Human Resource Office.

John Klug, Chief of Police — Date: 10/19/2021

I have been given a copy of this disciplinary decision.

Kevin Wilk, Sergeant — Date: 10/19/21

Witnessed by:

Justin Sundheim, Captain — Date: 10-19-21

Optional waiver: I am choosing to resign my position with the City and waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

Kevin Wilk — Date: 10/19/21

Office of Professional Standards

Internal Investigation

Minot Police Department
Internal Case File #21-13.1
PD Case File #NA

Employee:
Sgt. Kevin Wilk
Date of Incident:
9/20/21
Investigation Performed By:
Lt. Matt McLeod

Date of Complaint / Investigation:
9/20/21 – 10/8/21

Summary of Investigation:

I was notified by Capt. Sundheim that he wanted me to look in to a situation with officers going into dispatch to socialize. He told me that Officer Kircher had been confronted about being in dispatch that previous night. The matter was being discussed with him by Lt. Haug and PSAP Manager Haugen, when Lt. Haug had to step away to speak with Capt. Sundheim. During that time, Manager Haugen asked Officer Kircher how he had gotten in to dispatch as all officer codes had been removed from the door. His response was he had a code from a sergeant and a dispatcher. When she asked him for their names, his response was again a dispatcher and a sergeant.

9/20/21

I contacted Officer Kircher and told him to come see me before he reported to briefing. He came in a little before 1600. I served the notice of investigation on him and advised him why I called him in. He did admit to being in there for an unknown period of time. He said that he had been in there at least once a shift for the past couple days, he later clarified that it has been going on for a while. When I asked whose code he had used he told me that it was Dispatcher Van Hill's code. He added that he had been given Sgt. Wilk's code some time ago. He said that he wasn't quite sure when or why he gave it to him.

When asked, Officer Kircher did acknowledge receiving and reading the email from Capt. Sundheim on August 30th that reiterated the Chief's previous directive for officers to stay out of dispatch. When asked, Officer Kircher did admit to not answering the direct question asked of him by PSAP Manager Haugen, saying that he had been speaking with Lt. Haug previous and wasn't sure of the chain of command. I asked him if he was aware of Manager Haugen's position as the boss in dispatch. He told me that he knew she is a supervisor, but he is still new and learning. (it should be noted that Officer Kircher was previously with the Surrey PD for several years and that agency is dispatched by PSAP. Officer Kircher should have familiarity with the staff in there)

Officer Kircher went on to say that he wasn't sure who else got a code from Dispatcher Van Hill or anyone else, but officers in dispatch has become pretty common when command staff is not around. Before ending the interview, I made it clear that he is to stay out of dispatch.

The interview was added to the case file.

9/21/21

I came in early today to meet with Dispatchers Van Hill and Schoen. I found that Dispatcher Schoen was off, so I had Dispatcher Van Hill come to my office. She was given notice of investigation prior to speaking with me.

She did admit to giving her code to Officer Kircher, but she couldn't quite remember when. I asked if there was anyone else, and she told me that a while back she yelled her code to an officer at the door but couldn't remember who. She remembered being tied up on the phone and the radio at the same time the officer was trying to get her attention.

She too is aware of the orders for officers to stay out of dispatch and acknowledges the reason behind it. She said to her its more of a morale thing as they are stuck in that room for 12 hours, usually short staffed and the friendships with the officers are very important to her.

The interview was added to the case file.

9/27/21

I met with Sgt. Wilk in my office this afternoon. I gave him notice of investigation and asked if he had any questions before starting. I informed Sgt. Wilk of why I called him in and told him that while speaking with Officer Kircher was told that he had given his door code to Officer Kircher. Sgt. Wilk told me that he had not given him his code and couldn't think of a reason why he would give it to him. The only thing Sgt. Wilk could recall was one day Sgt. Pappenfus' code wasn't working on the door, so he told him what his was. He couldn't remember who else was in the shift commander's office at the time. We talked about the dispatchers giving their codes out so that officers will come talk to them. Sgt. Wilk indicated to me that he wasn't aware of it still happening since the directive came out again.

I asked if he had heard about this investigation, and he said that he had heard something from Sgt. Wheeler due to Officer Kircher and PSAP Manger Haugen getting into it. He was not aware of how Sgt. Wheeler found out.

The interview was added to the file.

9/29/21

I spoke to Dispatcher Schoen this morning in my office. She was given notice and advised of the matter being looked at. When asked about giving out her code, she said that one night she wrote it out on paper and held it up against the window going into the shift commander's office. She told me that she could not remember who was in the room at the time. I asked her if it is still common for officers to hang out in dispatch and she said that it has really died off recently, although some come in to get abstracts and Triple I's.

Schoen did express her disagreement with the officers not being allowed in there, such as the need for work related visits, and they are the same friends that they do stuff with outside of work. I asked her if Officer Kircher had spoken to her about this since I had him in my office. She said there are several people that are in a group snapchat, and she remembered seeing something about him getting called in but that he could not talk about it. She added that she was off last week and had family in town, so she was a little disconnected.

The interview was added to the file.

9/30/21

I had Officer Kircher come in again today to discuss the information I had received so far. I told him that after we had spoken on the 20th, I heard quite a bit of chatter that dispatchers and officers had been discussing and complaining about the fact that there was an investigation taking place. As he was the only person I had spoken with, I asked him how that was possible. He said that a bunch of officers were asking why he had been talking to me, but that he told them he couldn't discuss it. I asked if he had posted something on the group snapchat that had been mentioned by Dispatcher Schoen. He claimed he didn't remember exactly what, but said he put something about not being able to talk about it.

I told him that Sgt. Wilk told me that he did not give him or any officers his code for the doors. Only that he could remember giving it to Sgt. Pappenfus one day when his wasn't working. He re-iterated that Sgt. Wilk gave his code directly and that he also said it to a group of officers when he was present. I asked for details on how that came about and who was present. The only details he would give were that there was a group in the shift commander's office. The conversation was one that they were complaining about the order to stay out of the room. He said that Sgt. Wilk gave his code to be used. Officer Kircher again claimed that he could not remember who was present as "it wasn't a significant event".

Interview added to case file.

10/7/21

I spoke to Officer Gunsch in my office this afternoon. I gave him notice and explained why I was speaking with him. He was asked directly if Sgt. Wilk had ever given him his access code. He said that he had not. I also asked if he had been given a code by Sgt. Wheeler or Sgt. Foley, and he said he had not. He did say he is aware that some officers have Sgt. Wilk's code and he said that he has seen Officer Washington go into dispatch but does not know whose code he used. Officer Gunsch denied that he has gone into dispatch since the directive was given and does his business by phone or at the window. Officer Gunsch did say that he has heard conversations surrounding the directive and that it is un-popular.

The interview was added to the file.

I met with seven officers from the afternoon shift in my office this evening; Officer Becker, Officer Andrade, Officer Hathaway, Officer Olson, Officer Washington, Officer Jensen, and Officer Shaw. They were all asked specifically about what if anything they had heard about the investigation, and whether they had been given a door code by anyone. Also, whether they had used the code if given one. Below is a summary:

Officer Becker had heard there was an investigation ongoing, possibly by Sgt. Foley but she wasn't sure. She was never given a code from anyone, but Shanlya asked her to go in to dispatch through the window. She said she refused as Sgt. Foley had made it clear the officers were to stay out.

Officer Andrade said that she has heard about an investigation from Officer Bjork. She also mentioned "side chatter" between Officer Kircher and Dispatcher Van Hill but they said they could not discuss it. She said that she was given the code by Sgt. Wilk. The reason was that there was being that was brought to the PD and it had been placed in dispatch, he gave her his code to go in there and get some. She also said that she was aware of Sgt. Wilk giving his code to Officer Kircher. She told me that Dispatcher Schoen had tried to give her code through the window, but she told her she didn't want it. Officer Andrade said that she has been in dispatch maybe three times total during this time, but two of those times the dispatchers let her in.

Officer Hathaway said that he has heard there was an investigation over people using other's codes to get in to dispatch. He has not personally seen anyone in there since the officer codes were

removed from the door. He said that he has not been given a code by anyone and has not gone into dispatch.

Officer Olson told me that he heard about an investigation by Officer Kircher, but he said that he could not talk about it, and later officer Kenny told him that it was likely about officers in dispatch. Officer Olson said he has not been given a code by anyone and has not gone into dispatch.

Officer Washington has heard the rumors about the investigation. He said during a conversation at the PD amongst several people, the topic of going in to dispatch came up and he said that Officer Kircher said that he couldn't discuss it. He said that he was given "a code" by Officer Kircher to access dispatch. He also said that Shanlya give him her code to the door. Officer Washington said that he has gone in to dispatch about 5 times. He said that Officer Kircher told him he had been given the code by Sgt. Wilk to use if they wanted to go in. He said there was a group in the room when Officer Kircher gave the information (Kenny, Wheeler, Kircher, and himself).

Officer Jensen was not given the code but said that she witnessed Sgt. Wilk give his code. She said that Officer Washington asked Sgt. Wilk for his code to the door and he gave it to him. She said she has not used anyone's code and has not gone into dispatch.

Officer Shaw was aware of something with Sgt. Wilk and Officer Kircher as of the 6th. He said that Officer Kircher made a comment about Sgt. Wilk not being happy with him. When Officer Shaw asked why, he was told that he wasn't allowed to talk about it. He said that one time a dispatcher gave him their code to come in because they were too busy to speak with him at the window. He said it could have been Schoen or Van Hill but he couldn't remember. That was the only time he has gone into dispatch.

Interviews added to the case file.

10/8/21

I continued with interviews today of the afternoon shift officers. Officer Pollman was set to come in but contacted me saying that he was ill. It was decided to do his interview by phone. I went through the notice form with him and he acknowledged that he understood. He said that he has known nothing of the investigation. He said that he has not been given a code, nor has he been in dispatch.

Officer Knutson came in to my office. When I asked what he knew about the investigation he said that both Officer Kircher and Dispatcher Van Hill had told him they could not discuss the matter. When I asked for clarification he said that a group (Kircher, Van Hill, Andrade, Altenhofen, and himself) had gone to Schatz for breakfast. The conversation turned to the investigation in some capacity. He said that both Kircher and Van Hill said they had been told not to discuss it. Officer Knutson claimed he could not remember how it came up or what was said exactly. This would have taken place the week of Sept. 20th. Officer Knutson said that he has not been given the code by anybody nor has he used a code and gotten into dispatch.

Officer Kenny stated that the only thing he knew of an investigation was that he had seen Officer Kircher leaving the chief's office one day and asked him what was up. He said that Kircher told him he wasn't allowed to discuss it. Officer Kenny said that nobody has given him their code to use for dispatch. He did admit to going in there a couple times but followed a Sgt. through the door.

Officer Altenhofen was asked what if anything she knew about this investigation. She spoke of the breakfast at Schatz and how both Kircher and Van Hill said they could not talk about it. She too said that she could not remember how it came up or exactly what was said. She also told me that she recently made a comment about it to Officer Sommerville. They were by the officer workstation with Officer Kircher and the topic again came up somehow that she cannot remember. Kircher said he could not discuss it and Altenhofen said that she told Somerville he was being investigated. When asked directly, she said that she has not been given a code by anyone, nor has she gone into the dispatch room since the order was put out on August 30th.

Interviews added to the case file.

Applicable Policies:

Information Technology Use

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

323.5 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

Kircher indicated that he has used the code(s) of Dispatcher Van Hill and/or Sgt. Wilk at least once a shift for some time now to access the dispatch center.

Standards of Conduct

322.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

On August 30th, 2021 Captain Sundheim sent out an email to all PD staff re-affirming the COVID directive and informing staff that access to dispatch was being removed from everyone but supervisors, and that they should only enter as needed. Officer Kircher did acknowledge receiving the email and did indicate that he has continued to go into dispatch "at least one time per shift"

On September 20th, 2021 PSAP Manager Haugen asked Officer Kircher directly who gave him their code to enter dispatch. He refused to answer saying only a dispatcher and a sergeant. She asked a second time and received the same response.

In doing interviews with afternoon shift officers, most have knowledge that there has been an investigation on-going. Although nobody has said specifically any certain person told them, four employees knew as they were given notice and all four were given the same order to not discuss the matter. There should be no general knowledge amongst the department members of the investigation. Clearly it has been talked about, the depth of those conversations is unknown.

322.5.1 LAWS, RULES AND ORDERS

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

On August 30th, 2021 Captain Sundheim sent out an email to all PD staff re-affirming the COVID directive and informing staff that access to dispatch was being removed from everyone but supervisors, and that they should only enter as needed. Officer Kircher did acknowledge receiving the email and did indicate that he has continued to go into dispatch "at least one time per shift"

On September 20th, 2021 PSAP Manager Haugen asked Officer Kircher directly who gave him their code to enter dispatch. He refused to answer saying only a dispatcher and a sergeant. She asked a second time and received the same response.

In doing interviews with afternoon shift officers, most have knowledge that there has been an investigation on-going. Although nobody has said specifically any certain person told them, four employees knew as they were given notice and all four were given the same order to not discuss the matter. There should be no general knowledge amongst the department members of the investigation. Clearly it has been talked about, the depth of those conversations is unknown.

1005.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

The following applies to employees conducting administrative investigations:

(j) All employees shall provide complete and truthful responses to questions posed during interviews.

When interviewed, Sgt. Wilk denied giving his code to any officers, saying that Sgt. Pappenfus was the only one and that there was likely some officer s present in the office at the time. Statements of Officer Kircher, Officer Andrade, Officer Jensen, and Officer Washington contradict that in that they either reported receiving the code directly from Sgt. Wilk or having direct knowledge of it happening.

Lt. Matt McLeod

City of Minot

Police Department

October 11, 2021

To: Officer Connor Kircher

Ref: Internal Investigation 21-13

This letter is a summary and order of discipline resulting from an investigation into the use of door codes to access Minot Central Dispatch. I had issued a directive on August 16, 2021 limiting access to Minot Central Dispatch to ensure their safety and health due to an increase in COVID cases in the Minot community. Lt. Matt McLeod was assigned the investigation into an incident wherein Officer Kircher was known to have used a code to get into dispatch that was not his own, and when asked about the code by a supervisor he would not provide who the code belonged to. The investigation was opened on September 20, 2021.

Officer Kircher began his employment with the Police Department on April 12, 2021 and is currently on probationary status with the City of Minot.

During the investigation, Officer Kircher provided minimal information to Lt. McLeod, which resulted in a second interview being necessary. The exchange of the code took place between August 30, 2021 when the codes were removed from the door and a reminder of the existing directive was sent to employees by Captain Sundheim, and September 20, 2021 when a complaint was made about Kircher being in the dispatch center.

Upon completion of the investigation into the use of the door code by Officer Kircher, it was found that he was in violation of the following policies.

Findings: The investigation into Officer Kircher using the door code of another employee to access an area he is not allowed to be due to the directive violated two policies. A full report and explanation of these violations are outlined in Lt. McLeod's investigative summary and all other documents pertaining to this internal investigation are on file in the internal case file. I find the following policy violations are all **sustained** and are basis for the disciplinary action in this case.

- Policy 323 – Information Technology Use
    - 323.1 PURPOSE AND SCOPE: The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software, and systems.
    - 323.5 RESTRICTED USE: Members shall not access computers, devices, software, or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software, or systems by another member to their supervisors or Shift Commanders.
      Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

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- Policy 322 – Standards of Conduct
    - 322.3 DIRECTIVES AND ORDERS: Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.
    - 322.5.1 LAWS, RULES AND ORDERS: (b) Disobedience of any legal directive or order issued by any department member of a higher rank.

It is my belief that Officer Kircher willingly withheld information from this investigation to protect himself from possible disciplinary action and only provided information when he was pressured by Lt. McLeod on the second interview. He then provided similar information to me when I spoke to him on August 5, 2021, but had a little more detail included. The fact that he was not forthcoming and would not answer the original question by the PSAP Manager or be completely forthcoming in the initial interview makes me believe there is a lack of integrity, and I will not allow that behavior from a member of the Minot Police Department.

Discipline: As a result of these findings, I am ordering the following for Officer Connor Kircher:

- Officer Kircher's employment with the City of Minot - Police Department be terminated unless he chooses to resign. Any appeal of this decision will follow the City of Minot policy.
- A copy of this letter will be placed in the personnel file of Connor Kircher at the City of Minot Human Resource Office.

John Klug, Chief of Police — Date: 10/11/2021

I have been given a copy of this disciplinary decision.

Connor Kircher, Police Officer — Date

Witnessed by:

Shawn Wegner, Lieutenant — Date: 10/11/2021

Optional waiver: I am choosing to resign my position with the City and waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

Connor Kircher — Date: 10/11/2021

Office of Professional Standards

Internal Investigation

Minot Police Department
Internal Case File #21-13
PD Case File #NA

Employee:
Officer Conner Kircher
Date of Incident:
9/20/21
Investigation Performed By:
Lt. Matt McLeod

Date of Complaint / Investigation:
9/20/21 – 10/8/21

Summary of Investigation:

I was notified by Capt. Sundheim that he wanted me to look in to a situation with officers going into dispatch to socialize. He told me that Officer Kircher had been confronted about being in dispatch that previous night. The matter was being discussed with him by Lt. Haug and PSAP Manager Haugen, when Lt. Haug had to step away to speak with Capt. Sundheim. During that time, Manager Haugen asked Officer Kircher how he had gotten in to dispatch as all officer codes had been removed from the door. His response was he had a code from a sergeant and a dispatcher. When she asked him for their names, his response was again a dispatcher and a sergeant.

9/20/21

I contacted Officer Kircher and told him to come see me before he reported to briefing. He came in a little before 1600. I served the notice of investigation on him and advised him why I called him in. He did admit to being in there for an unknown period of time. He said that he had been in there at least once a shift for the past couple days, he later clarified that it has been going on for a while. When I asked whose code he had used he told me that it was Dispatcher Van Hill's code. He added that he had been given Sgt. Wilk's code some time ago. He said that he wasn't quite sure when or why he gave it to him.

When asked, Officer Kircher did acknowledge receiving and reading the email from Capt. Sundheim on August 30th that reiterated the Chief's previous directive for officers to stay out of dispatch. When asked, Officer Kircher did admit to not answering the direct question asked of him by PSAP Manager Haugen, saying that he had been speaking with Lt. Haug previous and wasn't sure of the chain of command. I asked him if he was aware of Manager Haugen's position as the boss in dispatch. He told me that he knew she is a supervisor, but he is still new and learning. (it should be noted that Officer Kircher was previously with the Surrey PD for several years and that agency is dispatched by PSAP. Officer Kircher should have familiarity with the staff in there)

Officer Kircher went on to say that he wasn't sure who else got a code from Dispatcher Van Hill or anyone else, but officers in dispatch has become pretty common when command staff is not around. Before ending the interview, I made it clear that he is to stay out of dispatch.

The interview was added to the case file.

9/21/21

I came in early today to meet with Dispatchers Van Hill and Schoen. I found that Dispatcher Schoen was off, so I had Dispatcher Van Hill come to my office. She was given notice of investigation prior to speaking with me.

She did admit to giving her code to Officer Kircher, but she couldn't quite remember when. I asked if there was anyone else, and she told me that a while back she yelled her code to an officer at the door but couldn't remember who. She remembered being tied up on the phone and the radio at the same time the officer was trying to get her attention.

She too is aware of the orders for officers to stay out of dispatch and acknowledges the reason behind it. She said to her its more of a morale thing as they are stuck in that room for 12 hours, usually short staffed and the friendships with the officers are very important to her.

The interview was added to the case file.

9/27/21

I met with Sgt. Wilk in my office this afternoon. I gave him notice of investigation and asked if he had any questions before starting. I informed Sgt. Wilk of why I called him in and told him that while speaking with Officer Kircher was told that he had given his door code to Officer Kircher. Sgt. Wilk told me that he had not given him his code and couldn't think of a reason why he would give it to him. The only thing Sgt. Wilk could recall was one day Sgt. Pappenfus' code wasn't working on the door, so he told him what his was. He couldn't remember who else was in the shift commander's office at the time. We talked about the dispatchers giving their codes out so that officers will come talk to them. Sgt. Wilk indicated to me that he wasn't aware of it still happening since the directive came out again.

I asked if he had heard about this investigation, and he said that he had heard something from Sgt. Wheeler due to Officer Kircher and PSAP Manger Haugen getting into it. He was not aware of how Sgt. Wheeler found out.

The interview was added to the file.

9/29/21

I spoke to Dispatcher Schoen this morning in my office. She was given notice and advised of the matter being looked at. When asked about giving out her code, she said that one night she wrote it out on paper and held it up against the window going into the shift commander's office. She told me that she could not remember who was in the room at the time. I asked her if it is still common for officers to hang out in dispatch and she said that it has really died off recently, although some come in to get abstracts and Triple I's.

Schoen did express her disagreement with the officers not being allowed in there, such as the need for work related visits, and they are the same friends that they do stuff with outside of work. I asked her if Officer Kircher had spoken to her about this since I had him in my office. She said there are several people that are in a group snapchat, and she remembered seeing something about him getting called in but that he could not talk about it. She added that she was off last week and had family in town, so she was a little disconnected.

The interview was added to the file.

9/30/21

I had Officer Kircher come in again today to discuss the information I had received so far. I told him that after we had spoken on the 20th, I heard quite a bit of chatter that dispatchers and officers had been discussing and complaining about the fact that there was an investigation taking place. As he was the only person I had spoken with, I asked him how that was possible. He said that a bunch of officers were asking why he had been talking to me, but that he told them he couldn't discuss it. I asked if he had posted something on the group snapchat that had been mentioned by Dispatcher Schoen. He claimed he didn't remember exactly what, but said he put something about not being able to talk about it.

I told him that Sgt. Wilk told me that he did not give him or any officers his code for the doors. Only that he could remember giving it to Sgt. Pappenfus one day when his wasn't working. He re-iterated that Sgt. Wilk gave his code directly and that he also said it to a group of officers when he was present. I asked for details on how that came about and who was present. The only details he would give were that there was a group in the shift commander's office. The conversation was one that they were complaining about the order to stay out of the room. He said that Sgt. Wilk gave his code to be used. Officer Kircher again claimed that he could not remember who was present as "it wasn't a significant event".

Interview added to case file.

Applicable Policies:

Information Technology Use

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Kircher indicated that he has used the code(s) of Dispatcher Van Hill and/or Sgt. Wilk at least once a shift for some time now to access the dispatch center.

Standards of Conduct

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On September 20th, 2021 PSAP Manager Haugen asked Officer Kircher directly who gave him their code to enter dispatch. He refused to answer saying only a dispatcher and a sergeant. She asked a second time and received the same response.

In doing interviews with afternoon shift officers, most have knowledge that there has been an investigation on-going. Although nobody has said specifically any certain person told them, four employees knew as they were given notice and all four were given the same order to not discuss the matter. There should be no general knowledge amongst the department members of the investigation. Clearly it has been talked about, the depth of those conversations is unknown.

322.5.1 LAWS, RULES AND ORDERS

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

On August 30th, 2021 Captain Sundheim sent out an email to all PD staff re-affirming the COVID directive and informing staff that access to dispatch was being removed from everyone but supervisors, and that they should only enter as needed. Officer Kircher did acknowledge receiving the email and did indicate that he has continued to go into dispatch "at least one time per shift"

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In doing interviews with afternoon shift officers, most have knowledge that there has been an investigation on-going. Although nobody has said specifically any certain person told them, four employees knew as they were given notice and all four were given the same order to not discuss the matter. There should be no general knowledge amongst the department members of the investigation. Clearly it has been talked about, the depth of those conversations is unknown.

Lt. Matt McLeod

City of Minot

Police Department

July 1, 2024

To: Kristian Shaide, Master Police Officer

Ref: Damaged Windshield

This letter is a summary of the incident surrounding the damage caused to the windshield of patrol vehicle #5 on June 27, 2024. I was made aware of the incident on that day and told it would be reviewed along with past incidents of damage or loss of department owned property. I received the report outlining past disciplinary actions and a recommendation for progressive discipline based on all facts and circumstances.

The letter provided by Officer Shaide explains his frustration with the computer's connectivity and cell phone locking up that led to the "tossing" of his cell phone. The cracked windshield had to be replaced and that cost was absorbed through the department budget. This action by Officer Shaide violated two Minot Police Department policies and led to the patrol vehicle being unavailable while it was being repaired.

I would further add that Officer Shaide needs to educate himself on "why" the authentication systems are in place and who mandates those systems. His lack of understanding paired with the lack of control of his emotions, lead to his failure to take responsibility for his actions.

Supporting Documentation:

- Letter of explanation from Officer Shaide.
- Letter outlining findings from Capt. Sundheim to Chief Klug.
- Copy of previous letter of reprimand from 2023.

Findings: The actions of Kristian Shaide were determined to be violations of Minot Police Department Policy 322 – Standards of Conduct and Policy 700 – Department-Owned and Personal Property. I find the following policy violations are **sustained** and are basis for the disciplinary action in this case.

- Policy 322 – Standards of Conduct
  - 322.5.9 – Conduct
    (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- Policy 700 – Department-Owned and Personal Property
  - 700.4.1 – Care of Property
    Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property that has been assigned or entrusted to them. Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

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Discipline: As a result of these findings, I am ordering the following for Officer Kristian Shaide:

- Officer Shaide will be suspended without pay for a period of two days (20 hours).
- A copy of this letter will be placed in the personnel file of Kristian Shaide at the City of Minot Human Resource Office.

Any future violations of policy may result in progressive disciplinary action, up to and including termination.

John Klug, Chief of Police — Date 7/3/2024

I have been given a copy of this disciplinary decision.

Kristian Shaide, Master Police Officer — Date 07/03/24

Witnessed by:

Justin Sundheim, Captain — Date 7/3/24

Optional Waiver:

I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

Kristian Shaide, Master Police Officer — Date 07/03/24

City of Minot
MINOT POLICE DEPARTMENT

EMPLOYEE: **Kristian Shaide**

DATE OF INCIDENT/EVENT: 06.27.24

DESCRIPTION OF INCIDENT(S): Lt. Wegner provided a letter/report from Officer Shaide regarding damage to patrol vehicle #5. (P5). Officer Shaide stated he became frustrated with department equipment, and "tossed" his phone on the dash. The phone "ricocheted" off the dashboard and hit the windshield and caused the windshield to significantly crack. The windshield will need to be replaced.

APPLICABLE VIOLATION(S) OF POLICIES/DIRECTIVES/TRAINING (LIST ALL THAT APPLY):

322.5.9 (i) STANDARDS OF CONDUCT

Unauthorized possession of, loss of, or damage to department property of others, or endangering it through carelessness or maliciousness.

700.4.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property that has been assigned or entrusted to them. Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

HAS ISSUE BEEN ADDRESSED IN THE PAST? (VERBAL OR WRITTEN COUNSELING, DISCIPLINE) LIST AND DATE ALL THAT APPLY:

08.01.22 Avoidable crash involving patrol vehicle. (letter of counseling)

12.15.22 Damaged patrol vehicle (letter of reprimand)

10.16.23-Lost department-issued cell phone (verbal counseling)

ACTION STEPS TO CORRECT ISSUE (IF APPLICABLE):

TBD—Discussion with Officer Shaide during discipline issuance may determine appropriate action steps. Based on Officer Shaide's provided report, and prior incidents, it is unclear if Officer Shaide understands true ownership of responsibility and the consequences of actions.

City of Minot
MINOT POLICE DEPARTMENT

DIVISION COMMANDER: 6-28-24

(SIGNATURE) (DATE)

JUSTIN SUNDHEIM

(PRINT NAME)

DIVISION COMMANDER NOTES:

Each incident affected fellow team members as damaged/lost equipment was placed out of service as a result of his actions. Each of these incidents has been avoidable and caused a financial commitment from the department to repair/replace.

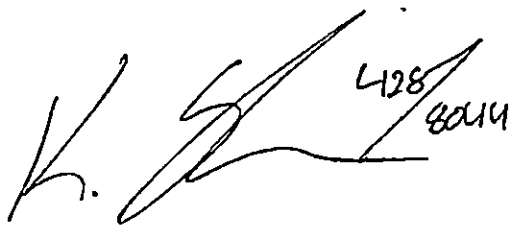
Progressive discipline, escalated from written reprimand is recommended. Report forwarded to Chief Klug for final disciplinary review.

To whom it may concern –

On 06/26/2024, I had arrived back at the Police Department after having served a search warrant with Task Force on a trailer house in Edgeview. I was attempting to log into the computer through the plethora of multi-factor authentication methods we have decided to use in our systems when my personal phone suddenly froze. After approximately 30 seconds, it became operational again but every authentication program I had running at that time crashed. I attempted a second time and my phone froze a second time. When this happened, I got frustrated and tossed my phone towards the dashboard. The phone hit the corner of the dashboard, ricocheted upwards, and struck the windshield of car #5, causing a spider-web-like crack to form. I immediately notified Sgt. Ruelle of the damage.

I understand any potential consequences and take full responsibility for my actions. I will practice methods to control my emotions in the future.

- K. Shaide 428/8044



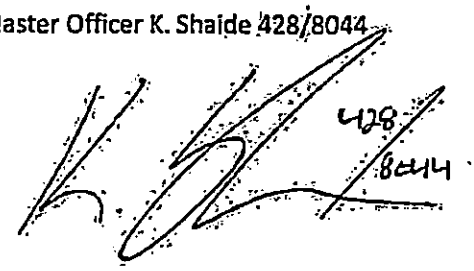
Lt. Wegner –

On 10/16/2023, I responded to 318 5th Ave. NW for a call regarding an assault. A juvenile male reportedly assaulted an adult male at Minot Youth for Christ Church. Upon arrival, I took car #18 phone inside to speak with the adult who was assaulted with the intention of taking photos of his injuries. During my investigation, I determined no photos were needed due to the fact that the adult did not want to press charges at the time and no physical injuries were visible. I took the car phone outside to speak with the juvenile suspect and either placed the phone on the back of the car near the trunk, or on the hood of the vehicle. I continued about my patrol duties until working a crash on N Broadway. I had to call a family member of the suspect and found the phone was missing out of the cupholder where I usually put it. I briefly looked for the phone around the patrol car but did not locate it.

I went about my normal duties until I was able to clear the call. After this, I went back to the area of 318 5th Ave. NW as this is the last area I remembered having the phone. I got out on foot and walked to Broadway and back, searching the sides of the road for the phone, but I was unable to locate it. I also searched areas I had been inside the station but was also unsuccessful. At this point, I met with Sgt. Wheeler and informed him of my situation. I returned to 318 5th Ave. NW a second time and performed the same search, but was unable to locate the phone. I also double-checked areas in the station where I thought the phone could be but I was unable to locate it. I informed Sgt. Wheeler that I was unable to locate the phone and did not know where it was.

I take full responsibility for my mistake and will be sure to take more care in knowing where my phone is and making sure the phone is on my person at all times when needed on a call. This includes putting it in my vest/pocket when needed. I believe these measures will ensure that this will not happen again.

Master Officer K. Shaide 428/8044



City of Minot

MINOT POLICE DEPARTMENT

LETTER OF REPRIMAND

EMPLOYEE: Kristian Shaide

DATE OF INCIDENT/EVENT: December 15, 2022

DESCRIPTION OF INCIDENT(S):

During blizzard like conidtions, Officer Shaide attempted to drive a police patrol vehicle on a roadway that had not been plowed and was covered in thick snow. Officer Shaide proceeded to get Patrol Car #12 stuck in the snow. Officer Shaide then attempted to shovel out the car prior to having a citizen attempt to pull the vehicle out. When these measures failed, Officer Shaide had a city plow utilize their plow blade to push the patrol car out of the snow. This caused significant damage to the rear end and hatch of car #12. Officer Shaide did not attempt to contact a tow truck nor did he contact a supervisor regarding this incident until after the vehicle was damaged.

APPLICABLE VIOLATION(S) OF POLICIES/DIRECTIVES/TRAINING (LIST ALL THAT APPLY):

322 Standards of Conduct

322.4 General Standards

Discipline may be initiated for any good cause. It is not mandatory that a specfic policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

700 Department-Owned and Personal Property

700.3 Policy

It is the policy of the Minot Police Department that members shall properly care for department property assigned or entrusted to them. Those who suffer loss or damage to personal or department-owned property while performing their assigned duties should be reimbursed appropriately.

700.4.1 Care of Property

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property that has been assigned or entrusted to them. Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

702 Vehicle Maintenance

702.2 Defective Vehicles

The employee's supervisor should be notified when an assigned vehicle becomes inoperative or needs repair.

City of Minot

MINOT POLICE DEPARTMENT

LETTER OF REPRIMAND

HAS ISSUE BEEN ADDRESSED IN THE PAST? (VERBAL OR WRITTEN COUNSELING, DISCLIPLINE) LIST AND DATE ALL THAT APPLY:

Officer Shaide was involved in an avoidable single vehicle crash on August 1, 2022. In that instance, Officer Shaide backed into a tree in Roosevelt Park while attempting to park the patrol car. This caused sever damage to the rear hatch of Patrol Car #10. As a result of that incident, Officer Shaide was issued a Letter of Counseling.

ACTION STEPS TO CORRECT ISSUE (IF APPLICABLE):

Officer Shaide needs to be more cautious and attentive when driving especially during difficult driving conditions. Should Officer Shaide get stuck to the point he is unable to correct the issue through conventional means, a supervisor must be contacted to report the issue.

EMPLOYEE ACKNOWLEDGMENT:

K. S 428 8044 01/09/23

(SIGNATURE) (DATE)

Kristen Shaide

(PRINT NAME)

*Signature reflects acknowledgement of receipt of this counseling letter.

OFFICER COMMENTS (OPTIONAL):

DIVISION COMMANDER:

01/09/23

(SIGNATURE) (DATE)

Shawn Loegler

(PRINT NAME)

Justin Swotherm

1-10-23

City of Minot

MINOT POLICE DEPARTMENT

LETTER OF REPRIMAND

DIVISION COMMANDER NOTES:

REQUESTED EVENTUAL FOLLOW-UP ON FOR DISCUSSION SURROUNDING WHAT HE'D DO DIFFERENT. AS

Filed by Chief John Klug

JK 1/11/2023

City of Minot

Police Department

December 5, 2022

To: Senior Officer Amanda Somerville

Ref: Suspension – Standards of Conduct

This is a summary and order of discipline resulting from Senior Officer Amanda Somerville's conversation with Sgt. Matthew Pappenfus on September 12, 2022. This conversation was reference a call for service covered by Officer Somerville on August 8, 2022 (22-24208) pertaining to a theft from a vulnerable adult. Sgt. Pappenfus conducted follow up on the information provided by Officer Somerville and determined it appeared she was not truthful about the follow up calls she received from the complainant on the call.

During the investigation conducted by Lt. Matt McLeod, Officer Somerville admitted she denied receiving voicemails from the complainant on the call, even though she knew she had just deleted them. She stated the reason for not saying she did not return the calls was because she was embarrassed about not following up with the complainant as she stated she would. When I spoke to Sgt. Pappenfus, he agreed that her response was likely due to embarrassment about her work performance, and not a direct attempt to be deceitful about the call itself. Investigative report of Lt. Matt McLeod is available for further details of the investigation.

Regardless of the intent, dishonesty with superiors cannot be tolerated. Additionally, victims and others reporting crime deserve the respect and responsiveness of police department staff pertaining to their complaint; therefore, I find the following violations of policy and have set discipline based on the seriousness of the violations, which are all **sustained** and are basis for this disciplinary action.

- Policy 322 – Standards of Conduct
    - 322.5.7 EFFICIENCY
        (a) Neglect of duty
        (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper order, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
        (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
    - 322.5.9 CONDUCT
        (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good

order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

Discipline: As a result of these policy violations, I am ordering the following for Senior Officer Amanda Somerville:

- Officer Somerville will be suspended for a period of eight days (80 hours) without pay.
- A copy of this letter will be placed in the personnel file of Amanda Somerville at the City of Minot Human Resources Office.

John Klug, Chief of Police — Date: 12/5/2022

I have been given a copy of this disciplinary decision.

Amanda Somerville, Senior Officer — Date: 12-05-2022

Witnessed by:

Justin Sundheim, Captain — Date: 12-5-22

Optional waiver: I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

Amanda Somerville — Date: 12-05-2022

ITEM #4

City of Minot

Police Department

February 23, 2024

To: Daniel Batteiger, Master Police Officer

Ref: 23-12, Chief's Letter of Discipline

This is a summary and order of discipline resulting from the investigation of Master Officer Daniel Batteiger reference internal administrative investigation 23-12 regarding the missing narcotics from the canine training kit.

On December 14, 2023, it was discovered that 15.7 grams of heroin, packaged for training canine teams for narcotics detection, was missing. Upon being notified, I assigned the administrative investigation to Capt. Dale Plessas. The full investigative report is available in the internal file and will be maintained for reference. The investigation was to determine if the narcotics were misplaced or taken by one of the four employees with access to the storage location.

The result of the internal investigation showed that the last person to sign out the heroin samples was Officer Batteiger. The night of December 13, 2024, the heroin kit was retrieved by Officer Connole from Officer Batteiger's vehicle, which was parked at Batteiger's residence. The kit was not inventoried, but it remained sealed until the evening of December 14, 2023, and it was at that time that Sgt. Taylor Jensen found the 15.7 gram sample was missing from the kit.

With Officer Batteiger being the primary handler to check the narcotics out from the locker and the handler who had most recently checked it out, I find that most of the responsibility for the missing sample lies with him.

Based on the results of the investigation, I find the following violations of policy and have set discipline based on the seriousness of the violations which are all **sustained** and are basis for this disciplinary action.

- Policy 322 – Standards of Conduct
    - 322.5.1 LAWS, RULES, AND ORDERS
      (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
        - Maintained possession of heroin training kit beyond the time allowed by the directive issued by Lt. Dave Chapman.
    - 322.5.7 EFFICIENCY
      (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

- Failure to maintain minimum training requirements.
- Failure to inventory samples when checked out for training.
- Maintaining possession of sample beyond the allotted time allowed.

- 322.5.9 CONDUCT
  (i) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through carelessness or maliciousness.
  - Maintained the samples of heroin with poor practices of inventory and accountability.

My concerns about this incident are inflated by the history of disciplinary actions with Officer Daniel Batteiger. He has been counseled for errors made while instructing the deployment of our spike systems, policy violation associated with the pursuit of an off-highway vehicle, and failure to maintain the required level of training with his canine as established by the department. Officer Batteiger has also been suspended for a Standards of Conduct violation, which was largely reflective of poor judgement.

Discipline: As a result of these policy violations, I am ordering the following for Master Officer Daniel Batteiger:

- This letter will serve as a letter of reprimand for the violations of the Standards of Conduct policy.
- Officer Dan Batteiger will be removed from his position as a canine handler and surrender Cyrus to the Canine Coordinator by the date and time set by the Chief of Police.
  - Date: 2/26/2024 Time: 1730
- Officer Batteiger will no longer instruct Emergency Vehicle Operations Courses for the Department or its' members.
- A copy of this letter will be placed in the personnel file of Daniel Batteiger in the Office of the Chief of Police.

John Klug, Chief of Police — Date: 2/23/2024

I have been given a copy of this disciplinary decision.

Daniel Batteiger, Master Officer — Date: 02-23-2024

Witnessed by:

Justin Sundheim, Captain — Date: 2-23-24

Minot Police Department

ITEM #5

Administrative Investigation 23-12

RE: The loss of control of narcotics from the canine training allocation

ADMINISTRATIVE INVESTIGATION

Introduction:

Employee:	Lt. David Chapman, Sgt. Taylor Jensen, M.O. Daniel Batteiger, and S.O. Michael Connole
Source of Complaint:	Notification from Lt. David Chapman
Interviewed:	Lt. David Chapman, Sgt. Taylor Jensen, M.O. Daniel Batteiger, and S.O. Michael Connole
Complaint Date:	December 14, 2023
Investigation Date:	December 20, 2023
Investigator:	Capt. Dale Plessas – Minot Police Department

Synopsis:

On December 14, 2023, at 1630 hours members of the Minot Police Department K9 team, to include Lt. Chapman (coordinator), Sergeant Jensen (handler), and S.O. Michael Connole, met with two handlers from McHenry County Sheriff's Department for bimonthly K9 training. Master Officer Batteiger was not present for this training as he was home sick.

The training was conducted at the Minot Police Department in the old City Council Chambers. The training was a drug detection training where drugs were to be hidden in specialized K9 popper boxes. While placing drugs in popper boxes, Sgt. Jensen discovered that the 15.7-gram sample of heroin was missing. She immediately alerted Lt. Chapman. Lt. Chapman conducted a limited search for the drugs and then contacted Capt. Sundheim to report the discrepancy.

Chief John Klug assigned this investigation with focus on the following questions:

- Who signed out the narcotics?
- Who accessed the drugs during that time?
    - Voluntary hair follicle testing of all with access.
- Were current policies/procedures followed?
- Were additional attempts to locate since the initial report?

Summary of investigation:

During this investigation, I interviewed each of the members of the K9 team starting with Master Officer Daniel Batteiger, Senior Officer Michael Connole, Lieutenant, Dave Chapman, and finishing with Sergeant Taylor Jensen. I later found it necessary to re-interview M.O. Batteiger and S.O. Connole to clarify some items. I began my interviews by orientating myself on the K9 drug kit make up and process of the K9 team. I learned that the K9 drug kit is made up of 4 types of narcotics to include Methamphetamine, crack cocaine, cocaine, and heroin. Each of these drugs were received via the DEA laboratory and were sent in 1 oz samples or roughly 28 grams (see: 2023 K9 forms -DEA Request). The samples were then broken into three smaller samples by the K9 team. This was done by breaking the sample in half and then breaking one of the halves in half again. The largest of the Samples of heroin was measured at 15.7 grams. These smaller samples were then placed individually in canvas bags with a label that indicated the size of the sample. The three samples of a drug type were then placed in a small glass jar, similar to a baby food container. Each of the narcotic samples undergo the same process and are stored in a pelican case that is referred to as the K9 drug kit. This kit generally would be stored in a locked locker located in a basement storage room at the Minot Police Department. The storage room has limited access among police personnel and the locked K9 locker has a combination lock that limits access to members of the K9 team. Members who assist the K9 team, commonly referred to as decoys, do not have access to this locker. The K9 locker has a paper log, titled *Drug inventory Log*, that is used for tracking the K9 drug kit usage (I took pictures to illustrate each of these storage locations and log, Images 1 – 8). LT. Chapman indicated in his statement that he developed a digital log but acknowledged that it is not used with any consistency. He indicated that this is ironic as members of the team wanted the digital log, but they do not use it. In my review I determined that M.O. Batteiger and S.O. Connole do not use the digital log. Connole indicated that he has not been able to get the log to work on his cell phone. Sgt. Jensen does regularly use the digital log when accessing training aids.

It appears that inventories of the K9 drug kit are inconsistent at best. In interviews with Lt. Chapman and M.O. Batteiger it was determined that there is no formal process in place for inventory of drug samples in the K9 kit. Lt. Chapman and M.O. Batteiger acknowledged that they do not formally inventory the kit prior to taking or upon returning the kit to the locker, beyond ensuring all of the bottles are inside. M.O. Batteiger said it is not part of his process to take a physical count or inventory of the K9 kit. S.O. Connole indicated that it is his experience that an inventory is done after each training event. Despite this statement, he acknowledged that he retrieved the kit in from M.O. Batteiger's patrol vehicle in preparation for the December 14, 2023, training, but did not do an inventory. Each indicated that during training, sometimes they take a sample out of the bottle and use them individually, and sometimes they use the full sample, in and out of the bottle. Each indicated that they should notice if a sample is missing but could not be certain of this.

Further complicating tracking of these drugs is inadequacies in training documentation. The K9 team utilizes the Packtrack system for monitoring training. The system provides a great means of monitoring all of the various training activities by members of the K9 team. The System permits the K9 handler to be very detailed in documentation of training. The inadequacy comes with documenting specific training

aid being used. While S.O. Connole seems to document the specific size of sample he utilizes, M.O. Batteiger often indicates "1 item" when the full sample is not used. This makes it difficult to determine when the 15.7-gram sample was last used. The last recorded date that the 15.7-gram sample was listed in training is Jun 23, 2023, at MSU (see: Excersize-Detail-Report-9328-vBaoL hrp Pg28). There were multiple times where 28 grams, or 1 ounce, was listed, but it is difficult to know if the handler observed all three samples, or simply used the whole jar and considered it the full sample. Sgt. Jensen indicated that she handled placement of one of the 6-gram sample (the Packtrack log shows 6.4 grams) of heroin on November 12, 2023, and felt confident that if the 15.7-gram sample was missing, she would have noticed, but could not be certain of this.

M.O. Batteiger stated that after, former K9 handler, Sgt. Pappenfus left the Minot PD, Batteiger's dog was the only narcotics dog left, so he commonly left the K9 kit in his vehicle. This is documented on the drug inventory log as M.O. Batteiger checked the full kit out from February 28, 2023, to November 13, 2023 (ref image 2). According to Lt. Chapman storing the drugs in a patrol car long term, was consistent with how he and other past drug detection K9 handlers operated. Nevertheless, Lt. Chapman acknowledged that he knew this was not good practice, so he put out an order stating that the K9 kit could only be checked out of the locker for three days at a time for the full kit, and 7 days at a time for a partial kit. If more time was necessary, the handler would need approval of the K9 coordinator. Samples were not to be split apart (partial odors from the same drug type) at any time (See: Minot Police Department Unit Expectations). This order was distributed at the first training in November. M.O. Batteiger stated that after this order was given, he checked the kit back into the K-9 locker, but he and Officer Connole split the kit apart. He took the heroin with the intent of training with it. The Drug Inventory Log showed that the M.O. Batteiger checked the heroin sample out of the locker on the same date that he checked the full kit back in, November 13, 2023. The log also showed that S.O. Connole checked a partial kit containing methamphetamine, crack cocaine, and cocaine out, thirteen days later, on November 26th, 2023, and returned it on November 29, 2023.

A noteworthy discrepancy shows that M.O. Batteiger logged the heroin sample back in on November 26, 2023, but heroin was absent from S.O. Connole's check out of the partial kit on November 26, 2023. M.O. Batteiger stated that he recalls placing the sample in the kit and did not leave the lone heroin container in the locker. He also indicated that he did not give it to S.O. Connole. With the indications on the log, this explanation is not possible. Also noteworthy is that the handwritten "2" in the number 26, in M.O. Batteiger's log check in date, appears modified, potentially from a "1". If the date was listed as "1" the check in date would have been November 16th, 2023, which would have been consistent with Lt. Chapman's directive. M.O. Batteiger acknowledged that the date listed was November 26, 2023, which he acknowledged put him in violation of Lt. Chapman's directive. He indicated he could have been wrong on his date that they split the drugs. Also noteworthy was that S.O. Connole logged training on November 26, 2023, and listed cocaine and methamphetamine but did not utilize heroin. After refreshing his memory with the use of the drug inventory log and Packtrack training log, S.O. Connole recalled that he had checked out the kit on November 26, 2023, to train with Sgt. Jensen and M.O. Batteiger but said that Batteiger indicated that he had possession of the heroin sample, so Connole did not check that sample out nor use it in training.

Sgt. Jensen pointed out that Lt. Chapman had instructed M.O. Batteiger, via e-mail, that she should be involved in the process of replacement of the K9 kit (See: DEA Narcotics – e-mail from Lt. Chapman). She said Batteiger went forward with the process without her. Sgt Jensen found out about this when she received a DEA certificate forwarded to her from Lt. Chapman (see: DEA Cert – e-mail to Sgt. Jensen). She then asked Batteiger about this and he said he did not want a headache for the both of them. In their interviews, both Sgt. Jensen and S.O. Connole made mention that it was a red flag that M.O. Batteiger had sent the paperwork in to the DEA to have the drugs destroyed and shortly after Sgt. Jensen discovered that the heroin sample was missing. Officer Connole said M.O. Batteiger had advised him the kit was out of use for up to six weeks because the drugs were being destroyed. In fact, Officer Connole pointed to the December 5th, 2023, training and indicated that he took a fentanyl training aid (a pseudo-odor) because he was under the belief that the K9 drug kit was destroyed. Officer Connole said it was a surprise to him on December 7th, 2023, training to see the kit was still available. At this training Lt. Chapman did utilize the 1 Ounce sample of heroin but indicated that he did not know for sure if the full sample was there, and indicated in hindsight, something seemed to be off. He equated his feeling to a situation where you feel like something is off, but just cannot put your finger on it. He acknowledged that he did not inventory the drugs, so he does not know for sure. M.O. Batteiger acknowledged that he did tell S.O Connole that he was destroying the drugs. He said replacing the k9 drug kit was a new process to him and he didn't know that he would need to wait for a letter from the DEA before he could destroy it. M.O. Batteiger said he had a conversation with Sgt. Foley to determine the process to destroy the drugs but learned that he needed to wait for the letter, after that conversation. Sgt. Foley recalled having a conversation with Batteiger but could not give a specific date other than to estimate it was roughly the end of November or beginning of December.

It was determined that Lt. David Chapman, Sgt. Taylor Jensen, Master Officer Daniel Batteiger, and S.O. Michael Connole were the only people to have access to the drug kit. Each was asked to submit to a voluntary drug test. Since I was unable to pinpoint the date that the heroin went missing, a decision to utilize hair follicle testing was made. The hair follicle test provides the best results for a long length of time (up to 90 days). Julie Eidemiller, from Trinity Occupational Medicine, advised that the 5-panel test was recommended for opioid screening. This was the test selected. Lt. Chapman, Sgt. Jensen, M.O. Batteiger, and S.O. Connole each separately agreed to provide a sample for testing. They were individually directed to Trinity Occupational Medicine where they provided a sample. Each screening resulted in negative results for all five panels (see attached file: City of Minot PD K9-Hair -Connole, Chapman, Jensen, & Batteiger).

When Lt. Chapman was informed of the missing narcotics on December 14, 2023, he went to the last location where he knew the drugs had been used in training. He returned to John Hoeven Elementary and Minot State University. After failing to locate the missing heroin, he contacted Capt. Sundheim and informed him of the missing drugs. Sgt. Jensen and S.O. Connole searched the K9 kit to ensure it was not inadvertently placed in the wrong jar. On December 15, 2023, Lt. Chapman sent an e-mail to K9 handlers Daniel Batteiger and Michael Connole with a list of training logs pages from Packtrack. He instructed them to start working backwards through each of the locations where heroin was used in training (see: E-mail string from Officer Connole). S.O. Connole searched most of these locations to include searching the administrative vehicles used in hides (see: Note-Michael Connole, 1 & 2) while M.O. Batteiger searched other locations.

- Who signed out the narcotics?
    - Since the last known time that the 15.7-gram sample was in use (June 23, 2023, training at MSU) M.O. Batteiger was the only handler to check the heroin out. S.O. Connole checked the kit out on November 26, 2023, but only signed for Meth/CC/Coke.
- Who accessed the drugs during that time?
    - Since June 23, 2023, each of the handlers of the K9 team, to include Lt. Chapman, Sgt. Jensen, M.O. Batteiger, and S.O. Connole had access to the K9 kit and used it in training in some way.
    - Voluntary hair follicle testing of all with access.
        - All submitted voluntary hair follicle samples for testing. All tested negative for drug use.
- Were current policies/procedures followed?
    - See the applicable policy section.
- Were additional attempts to locate since the initial report?
    - Each member contributed to searches for the missing heroin. Lt. Chapman directed his team to search every location that the drug was used since the last known possession (June 23, 2023), to no avail.

Conclusion:

The 15.7-gram training aid sample was discovered missing on December 14, 2023, but it most certainly had been missing prior to that date. The last record of this sample's use was six months prior, on June 23, 2023, at a K9 drug detection training at Minot State University. While the drugs were consistently stored in M.O. Batteiger's locked car, and less commonly in the K9 locker, there was never any indication of theft from either of these locations. The K9 team has no formalized procedure for inventory on the K9 drug kit. Heroin had been used in at least six training sessions from June 23, 2023, to December 14, 2023. The K9 training system, Packtrack, would have been a great resource for tracking the sample use, if proper sample descriptions were consistently used. This was not the case as M.O Batteiger often listed "1 item" instead of using product weight in the *amount* section of the report. As a result, it is unclear when the 15.7-gram sample of heroin went missing. What is clear is that M.O. Batteiger was the only handler to check out the heroin samples from the locker, and he possessed them exclusively, from February 28, 2023, (he checked the other three drug samples back in on November 13, 2023, but kept the heroin sample), until at least November 26, 2023, when he signed the heroin sample back into the locker. This return date is also in question as S.O. Connole checked the kit out on the same day (notably absent the heroin sample) that M.O. Batteiger indicated he had returned it. In his second interview M.O. Batteiger acknowledged that this entry could not be accurate if S.O. Connole had the case in his possession at that time, but he could not give any explanation for the discrepancy. He surmised that he may have listed the wrong date on the log. Further adding suspicion to this situation was the timing of all of this. M.O. Batteiger was in the process of having the kit destroyed for the

impending replacement samples. He did this unilaterally and without the knowledge or involvement of Sgt. Jensen, as he was instructed by Lt. Chapman. In fact, S.O. Connole was under the belief that this process had already happened as per a conversation he had with M.O. Batteiger. M.O. Batteiger acknowledged having this conversation with Connole but indicated at the time he did not understand that he had to wait for a letter from the DEA to destroy the kit. The kit was not permissible to be destroyed, so it was returned to training on December 7th, 2023. The heroin sample was not noticed missing on that date, but an inventory was not completed. Lt. Chapman did indicate that he felt something was off regarding the heroin sample at that training. While these circumstances are suspicious, no evidence of theft of the heroin was found in this investigation. Each of the K9 handlers voluntarily submitted to drug screening and all resulted in negative tests.

Applicable Policy:

I reviewed the following applicable policies:

Policy 309- Canines

Policy 322 - Standards of Conduct

Police 324 – Report Preparation

Policy 700 – Department-Owned and Personal Property

Policy 309 - Canines

309.4 CANINE COORDINATOR

The canine coordinator shall be appointed by the Chief and directly responsible to the Patrol Commander.

The responsibilities of the coordinator include, but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
(b) Maintaining accurate records to document canine activities.
(c) Not reviewed.

Lt. David Chapman is the K9 Coordinator.

(a) There is evidence that Lt. Chapman reviewed all the K9 training reports as they all show that he signed off on them. Lt. Chapman identified a procedure issue and adjusted it based on his evaluation that it was improper for a K9 handler to maintain control of the K9 kit for an extended period (See: Minot Police Department Unit Expectations).

(b) While the accuracy of M.O. Batteiger's reports should have been better, the reports were not inaccurate. Good records are kept via the Packtrack system which documents K9 training activities apart from M.O. Batteiger's neglecting to add weight to describe samples being used.

309.9 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.
All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or Patrol Supervisor.

309.9.3 TRAINING RECORDS

All canine training records shall be maintained by the canine handler and the canine's training file.

Training records are maintained in the Packtrack system. The K9 Coordinator and the K9 team members have access to review these records. The K9 Coordinator finalizes the reports when he signs off on them.

309.9.4 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (N.D.C.C. § 19-03.1-16; 21 USC § 823(f)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Minot Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

The Chief of Police has authorized and made a request for the use of training aids provided by the DEA. The K9 Team was properly registered to maintain these narcotics (See: 2023 K9 forms -DEA Request).

309.9.5 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
(b) Blank
(c) Blank
(d) All controlled substance training samples may be inspected, weighed, and tested. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container.
(f) All DEA obtained controlled substance aids shall be destroyed in accordance with DEA procedures. All other controlled substance training aids shall be destroyed in accordance with department controlled substance destruction procedures.

The investigation found:

(a) All controlled substance training samples were weighed upon receipt and broken to smaller sample sizes.
(b) blank
(c) blank
(d) There is no record of the substances being inspected, weighed, or tested nor did any of the handlers make any indication that this was a practice. This section indicates," substances training samples **may** be inspected, weighed, and tested". The failure to do so may be poor practice but is not a violation of this policy.
(e) All samples, except for the missing sample, were stored in an airtight, and watertight pelican case. This case is not locked as required by this policy. The case was stored for extended periods of time in the back of M.O Batteiger's locked patrol vehicle. This policy does permit a locked case, secured in the trunk of a K9 handler's car during transport, but Batteiger had an unlocked case in the back of his patrol car for approximately 8 and ½ months. Furthermore, this goes well beyond transport of the drugs and the intent of this policy. It should be noted that storage of the drugs in a patrol car was an accepted procedure at the time and up until Batteiger returned the drugs on November 13, 2023, but at that time he was directed by Lt. Chapman not to store them beyond 3 days. He was again in violation when he stored heroin in his car outside of the locked pelican case, for up to 13 days, between November 13, 2023, to November 26th, 2023.
(f) M.O. Batteiger was in the process of starting the destruction of the drugs in this kit when he learned that he was required to wait until receiving a letter, permitting their destruction, by the DEA. He did suspend his effort to destroy these drugs, so as to be in compliance with DEA procedures.

Policy 322 – Standards of Conduct

322.2 POLICY

The continued employment or appointment of every member of the Minot Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

322.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

On or before November 13 Lt. David Chapman, the K9 Coordinator, gave the K9 team a document titled *Minot Police Department K9 Unit Expectations*. This document was as a lawful order to the K9 team. In section 10 of this document Lt. Chapman directs the team to "treat and maintain training aids properly".

As part of this order, he made modification to the procedure of checking out and maintaining drugs outside of the K9 locker. In this order he required the K9 handlers to check the training aids via the digital app. He limited the time the handler could maintain training aids to three days (or 72 hours) for a full kit, or 7 days (or 168 hours) for half of a kit. After this order was given, M.O. Batteiger admitted that he returned the K9 drug kit to the locker, but immediately checked out the heroin sample for an additional 13 days, in disregard for this order.

322.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

322.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

M.O. Batteiger disobeyed Lt. Chapman's order by maintaining the K9 kit outside of the K9 locker for 13 days.

Police 324 – Report Preparation

324.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution.

324.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

324.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor.

324.2.2 NON-CRIMINAL ACTIVITY

Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

Lt. Chapman, as well as MPD Policy 309, expressed the importance of maintaining records to show that the K9 team members are appropriately trained. To this end, he initiated the Packtrack training log system. This log permits K9 handlers to submit detailed reports about their activities. Lt. Chapman has instructed his handlers to log their reports within 24 hours of the event. Policy 324.1.1 requires the reports be "sufficiently detailed for their purpose". M.O. Batteiger appears to be the only handler to neglect to document the weight of the training sample. This proved to be problematic when trying to narrow down when the 15.7-gram sample was last used, resulting in substantially more effort being expended in searching for the missing sample.

Policy 700 – Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

The policy addresses the care of department-owned property and the role of the Department when personal property, the property of another or department-owned property is damaged or lost.

700.3 POLICY

It is the policy of the Minot Police Department that members shall properly care for department property assigned or entrusted to them...

700.4 DEPARTMENT-ISSUED PROPERTY

All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log; receipt shall be acknowledged by signature...

A drug inventory log is maintained, to track when K9 handlers have access to the K9 drug kit. Maintaining an accurate log is essential as any discrepancies in the log leads to questions of impropriety. A discrepancy was observed in the November 26, 2023, entry where M.O. Batteiger noted returning the heroin sample to the kit, but a subsequent entry by S.O. Connole, checking the kit out on November 26, 2023, shows that the heroin was not present in the kit (see: Image 2). M.O. Batteiger acknowledges that his entry cannot be accurate. It is also note worth that the entry appears to have been altered from a "1" in the day, to a "2" (changing the day from 11/16/23 to 11/26/23). Lt. Chapman indicated that he created a digital log that could not be altered, but the log was not used by M.O. Batteiger or S.O. Connole.

700.4.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property that has been assigned or entrusted to them. Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, in circumstances where misconduct or negligence caused the loss, damage or unserviceable condition.
2. A review by command staff should determine whether additional action is appropriate.

It is not clear when the 15.7-gram sample of heroin when missing, but M.O. Batteiger is the only K9 handler to sign this sample out of the locker. As a result, he took responsibility for this sample and should have accounted for it. He acknowledged that he does not regularly maintain inventories of the K9 drug kit as part of his process. Lt. Chapman reported asking M.O. Batteiger if he had everything at the end of the December 7th, 2023, training. It was at the next training that the sample was learned to be missing. S.O. Connole did not check the K9 kit out of the locker but acknowledged taking the kit from M.O. Batteiger's car in preparation for the December 14, 2023, training. S.O. Connole should have inventoried the kit at that time to ensure that he had the whole kit in his possession.

Disciplinary Actions under Former Chief Olson

1. James Jabara-Use of Force- August 3, 2017
2. James Jabara Improper Relationship-December 13, 2017
3. Kevin Cory-Use of Force – August 2, 2019
4. Charles Shane Johnson – Use of Force – December 5, 2017
5. Josh Lund – Use of Force – October 2, 2019
6. Josh Lund – Pursuit Review – October 1, 2019
7. Josh Lund – Failure to Appear for Preliminary Hearing – December 2, 2019

City of Minot

Police Department

August 3rd, 2017

To: Officer James Jabara

From: Chief Jason T. Olson

Ref: Use of Force incident review - CFS 17-15463

On May 27th, 2017 there was a disorderly conduct call to a residence in SW Minot (CFS 17-15463). Officers James Jabara and Jessica George responded to the call initially and Senior Officer Steve Kenny arrived later in the call as an additional officer.

A 28 year old male subject was arrested for Preventing Arrest and Disorderly Conduct during the course of the call. Officer Jabara utilized his Taser on the subject multiple times during the arrest procedure.

After the review of the Use of Force report form and other case documents/evidence the decision was made to convene a Use of Force review board to exam the incident. The board was convened to review the incident to identify any policy violations as well as training or other recommendations.

Sergeant Matt McLeod submitted a written report from the Use of Force review board detailing the analysis of the incident including a number of policy violations and training recommendations.

After reviewing this report and the case documents/evidence I concur with the findings of the board regarding the listed policy violations.

Findings: (See the attached Use of Force Review Board report for a detailed list of policy violations).

Additional Findings:

1. I disagree with the Use of Force Board's opinion that the force used meet the reasonableness standard. It is my opinion that the subject could have been restrained and resistance overcome without utilizing the Taser by the use of empty hand tactics by the three officers present. It appeared that had two officers each grabbed one of the subject's arms to apply the handcuffs the resistance would likely have been overcome.

As a result of these findings I am ordering the following:

1. This letter is considered a Letter of Reprimand for Officer Jabara's policy violations.

2. Within the next 6 weeks Officer Jabara will successfully complete the recommended training by the Use of Force Board. Documentation of this training and successful completion will be submitted to the Chief of Police by the Administrative Commander.

3. Officer Jabara's paperwork and in particular his narrative reports will undergo additional review and scrutiny by his Shift Lieutenant for a period of at least one month until he is satisfied that his reports are within the expectations and standards required by this department.
4. A copy of this letter and Use of Force Board report will be placed in Officer Jabara's personal file.

Date: 8/3/17

Chief Jason T. Olson

I have been given a copy of this disciplinary decision.

Date: 8/3/17

Officer James Jabara

Witnessed by:

Date: 8/3/17

Capt. Rob White

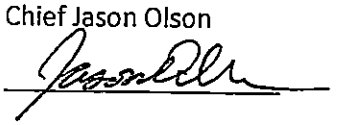
August 8, 2017

Supplement to August 3rd letter to James Jabara

After the review of the records of the incident by Officer Jabara. He spoke with me concerning the appearance in the Use of Force Review Board report that the subject that Jabara utilized his Taser was actually shocked by the Taser 8 times. The Taser record indicates that there were 4 Arc activations followed by 3 Trigger activations and an additional Arc activation of Jabara's Taser during the incident. However, it is unclear how many times the subject was actually shocked. The first set of probes may have missed the subject entirely. In my observation on the video I saw the subject seem to react to being shocked on two separate occasion. Several times when the Taser can be heard the subject did not seem to react.

Officer Jabara requested that this be noted in the permanent record which is the purpose of this supplement to my report.

Chief Jason Olson



Use of Force Review Board Recommendation
CFS #17-15463

Sgt. Matt McLeod
Sgt. Kevin Wilk
Sr. Officer Titus Clouse
Det. Robbie Sumlin
Dep. Samantha Kaul

After reviewing the reports from the three officers on scene and watching the body cam footage, the board's recommendation is that Officer Jabara receive remedial training in the areas of Taser, Use of Force, and report writing. However, we defer to the Chief's discretion to increase that to disciplinary action due to any previous filings in Jabara's personnel file unknown to this board. The decision was based on the violations of department policy listed below.

Conducted Energy Devices:

304.4.4 – Multiple Application of the Taser
-Use of force standards and current training practices require every activation of the Taser be justified by its own set of circumstances. In this case there was no justification articulated to begin with however the only thing noted was "deployed my Taser".
-After downloading the Taser firings on Jabara's Taser, there were 8 activation of the Taser in a span of 1 minute 5 seconds. That was 4 presses of the ARC switch, 3 trigger firings, and another press of the ARC switch.

304.5.1 – Reports
-Officer Jabara's narrative does not address that the subject was struck in the neck with one of the darts and that Community Ambulance responded and removed the probes. On the use of force report he did check the box that the subject was injured but checked he was not treated even though ambulance responded.
-During training all officers are instructed that anytime dart strike a sensitive area, photographs are to be taken before and after probe removal and those probes are to be entered into evidence. No photographs were taken and the probes were not put in evidence.

304.6 – Medical Treatment
-Policy requires that any subject exposed to multiple applications be examined by medical staff and be medically cleared prior to booking. There is no documentation of his refusal of medical care or what steps were taken.

The board found that Officer Jabara's report was grossly insufficient not only in articulating the elements of a crime but in justifying the force used in this matter. It is seriously lacking in any detail and in a couple cases in contradicted by what is seen on video.

The board felt that while the report written did not articulate the need for the force that was used, upon reviewing the video, it showed a scene that could cause a reasonable officer in those circumstances to use that level of force. Officer Jabara should receive training on use of force concepts, legal precedents, and what factors should be included in reports. Further, he should attend defensive tactics training so he can get more exposure to, and more comfortable with lesser force options to avoid becoming "Taser dependent" in all situations.

Jason Olson

From: Rob White
Sent: Wednesday, August 02, 2017 10:46 AM
To: Jason Olson
Subject: FW: concern

From: Shane Haug
Sent: Wednesday, August 02, 2017 10:38 AM
To: Rob White <rob.white@minotnd.org>
Subject: Fwd: concern

Get Outlook for iOS

From: James Jabara
Sent: Monday, July 31, 2017 12:44:36 AM
To: Shane Haug
Subject: concern

To whom it may concern,
Over the past four months since our shift schedule changed. I have come to realize my direct super vision is impairing my job performance and duties as a sworn officer. Sgt Burns consistently questions, demoralizes, and demeans not only my job performance but also my decisions while on and off duty. With the shift schedule being assigned in its current manner I am subjected to working with Sgt Burns 5 days a week .this in turn affects not only my moral but how new officers perceive me and Sgt Burns in our working relationship. For this purpose, I am requesting that my time be limited with Sgt Burns. I have attempted multiple times to adjust to his expectations however, no matter the effort or situation it seems as though I am always wrong .I am not requesting to be removed from his shift completely, simply that my time be limited as before . I understand sometimes I make mistakes but I do not feel that this current hostile work environment is beneficial to the department, my career, and my leadership as pertaining to new officers entering the department.

Thank you for your time in reviewing this matter

Officer Jabara

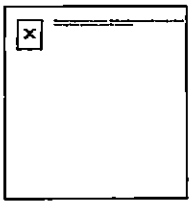
Jason Olson

From: Jason Olson
Sent: Wednesday, July 26, 2017 2:24 PM
To: James Jabara
Subject: FW: James Jabara - Recognition
Attachments: 17-12145.pdf

James,
Thanks for your persistence and excellent work on this case! You showed that you really were concerned about the welfare of this child. I will place a copy of Sgt. Chapman's letter in your file along with a copy of this email.
Chief Olson

From: Dave Chapman
Sent: Monday, July 24, 2017 8:54 PM
To: Jason Olson <jason.olson@minotnd.org>
Subject: James Jabara - Recognition

David Chapman
City of Minot, Patrol Sergeant
Minot Police Department
Office 701-852-0111
PO Box 5006,- Minot, ND 58702-5006
City of Minot Website
Official Facebook Page



City of Minot

Police Department

December 13th, 2017

To: Officer James Jabara

From: Chief Jason T. Olson

Ref: Internal Investigation – Improper Relationship

On November 17th, 2017 I received information that Officer James Jabara had visited a female in the custody of the North Dakota Department of Corrections (DOCR) who was living in a half-way house in Mandan. DOCR staff felt that this visit seemed odd and raised some concerns. The information was forwarded to Minot PD by DOCR. I assigned Capt. John Klug to conduct an internal investigation into the matter.

I have concluded my review of Capt. Klug's report. On 12/12/17, I met with Officer Jabara in my office along with Captains White, Klug, and Sundheim and Lt. Whitesell. The purpose of the meeting was to clarify with Officer Jabara some of the items in Capt. Klug's report prior to drafting this letter.

I make the following findings and proposed plan for disciplinary action. Officer Jabara will be presented with this letter and have the option of responding orally or in writing within five days to the findings and proposed disciplinary plan.

Findings of fact:

1. Officer Jabara first made contact with the female while working as a Patrol Officer. He took the female into custody and served a warrant on her for a probation revocation.
2. During the arrest process, Officer Jabara had a conversation with the female in which she made an admission to him that she was a methamphetamine user.
3. During the booking process, Officer Jabara obtained the female's phone number and had a conversation with her which indicated that he wanted further contact with her once she got out of jail.
4. Officer Jabara exchanged text messages with the female and once met with her by a laundromat.
5. Officer Jabara heard that the female had been picked up on another warrant and assumed that she went to prison as he didn't have contact with her for a number of months.
6. The female contacted Officer Jabara by way of text message indicating that she had been in prison but was currently residing at a half-way house in Mandan.
7. Officer Jabara discussed via text message using his police badge and status as a police officer to be allowed to visit her at the half-way house instead of following the routine procedure for visitors which entailed her listing him as a visitor and waiting for an approval process.
8. During an approximately two hour visit at the half-way house on November 15th, 2017, Officer Jabara held hands with and hugged the female.

Officer Jabara used his position as a police officer to gain easier access as a visitor to the half-way house where the female was incarcerated for the purposes of continuing to develop an intimate relationship with a person in the custody of ND DOCR.

Officer Jabara was not forthright in his statements during the internal investigation as to the nature of his relationship with the female inmate.

The following Minot Police Department policy violations by Officer Jabara are found to have occurred:

Policy 323 – Standards of Conduct

323.5.2 Ethics

(a) Using or disclosing one's status as a member of the Minot Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

323.5.4 Relationships

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed as authorized by this department.

323.5.8 Performance

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(c) Failure to participate in an investigation, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any -department-related business.

Policy 1006 – Personnel Complaints

1006.6.2 Administrative Investigative Procedures

Whether conducted by a supervisor or a member of the Patrol Operations Commander, the following applies to employees:

(j) All employees shall provide complete and truthful responses to questions posed during interviews.

9. Officer Jabara later exchanged texts with the female which included some sexual inferences. One text indicated that he was sexually aroused when he hugged her.
10. It is clear by the nature of the text messages between Officer Jabara and the female that their relationship is personal and includes a discussion about sexual habits and future intimate encounters between the two.
11. Officer Jabara and the female made plans for him to visit again which included plans to get a pass for her to be able to go to Walmart.
12. The female tested positive during a drug test at the half-way house and had her privileges suspended. During this period her cell phone is searched by DOCR or ND BCI staff. This search reveals numerous text messages between Officer Jabara and the female many of which are sexual in nature.
13. One of the texts includes a comment by the female to Officer Jabara that she is a convicted felon. The female asks if that is an issue for him. Jabara replies that it isn't "a deal breaker" but that drug use on her part would be.
14. Officer Jabara is interviewed by Capt. Klug as part of the internal investigation. During the interview Officer Jabara insists that the relationship with the female was one of "mentoring". He stated that the female reminded him of his sister who had similar problems with methamphetamine usage.
15. Officer Jabara acknowledges that he knows how it might look bad for a police officer to be seeking out and getting into a relationship with a known convicted felon and meth user. He said that he is partially familiar with the MPD policy prohibiting such relationships. He said that he thought it was okay to be a "mentor".
16. Officer Jabara acknowledged through the Minot PD Lexipol KMS policy website that he had read and understood Policy #323 on Standards of Conduct on 04/16/17. He acknowledged Policy #1006 Personnel Complaints on 08/05/16.
17. Officer Jabara admits that he: knew of two warrants for the female including a warrant for a probation revocation, that she was an admitted meth user, and that she had been in prison. He states that he was not completely familiar with her complete criminal history and that "I didn't want to know too much".
18. The female in this case has a lengthy criminal record including six felony convictions on charges such as: Possession of a Controlled Substance, Possession of Drug Paraphernalia, Reckless Endangerment, Possession of Stolen Property, Fleeing or Eluding a Police Officer, and Bail Jumping. This criminal history information is available in easily accessible public records through the ND Courts website.
19. Officer Jabara admitted that he was previously spoken to by Capt. White after a complaint arose about him using his position as a Minot Police Officer to contact a female that he was interested in pursuing a relationship with.

Summary of Findings:

Officer Jabara exercised very poor judgement when he willfully sought out and continued to develop a personal relationship with a female who he knew or reasonably should have known was a methamphetamine user and convicted felon.

Officer Jabara choose to continue this relationship despite knowing that the female was in the custody of ND DOCR for her criminal offenses.

Officer Jabara may exercise his option to give an oral or written presentation in way of response. If he does so the appointment to do so will be on 12/18/2017 at 0830 hours in the Chief's office.

Proposed Disciplinary Plan:

As a result of these findings I am ordering the following:

1. Termination of Officer James Jabara

Date: 12/13/17

Chief Jason T. Olson

I have been given a copy of this disciplinary decision.

Date: 12/13/17

Officer James Jabara

Witnessed by:

Date: 12/13/17

Capt. ~~Rob White~~ John Klug

Optional waiver:

I am choosing to waive any right to respond to this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

Date: 12/13/17

August 2nd, 2019

To: Senior Officer Kevin Cory

From: Chief Jason T. Olson

Ref: Internal Investigation 19-7.1

Ref. CFS #2019-19017

Summary:

The Minot Police Department received a complaint on June 24th, 2019 from a subject who had been injured during an arrest which had occurred on June 19th, 2019 (Case #19-19017).

The incident was assigned to Captain Justin Sundheim to conduct an internal investigation.

The incident was also examined by a Use of Force Review Board consisting of five law enforcement officers of various rank and including one from Ward County Sheriff's Office.

The Use of Force Review Board examined the case file documentation including body camera and in-car camera videos. The findings (copy attached) of the UOF Review Board were that the use of force, specifically the closed fist strikes to the subject's face by Officer Cory during the arrest, were not reasonable and were not within the Department's training or policy.

Capt. Sundheim completed the internal investigation. He supplied his written summary to the Chief of Police (copy attached). The summary report concluded that Officer Cory violated the Minot Police Department - Use of Force policy; in that his use of force in delivering closed fist strikes to the subject's face were not reasonable under the circumstances.

Capt. Sundheim' s report included documentation of Officer Cory's training on both use of force techniques and Minot Police Department policy which indicated that Officer Cory had been properly trained in both physical control tactics and use of force policies.

The case file and results of the internal investigation were supplied to Officer Cory. He was given a week to review the material and the option of providing a response to the Chief of Police.

On July 30th Officer Cory met with Capt. John Klug, Lt. Scot Redding and Chief Jason Olson to provide his response. Officer Cory gave a verbal response as well as a written response.

Officer Cory explained that the reason that he delivered strikes to the subject's face was that while attempting to get the subject out of the car he saw the subject raise his hand and felt that he was about to assault Officer Jay Bloyer. Officer Cory said that he used closed fist strikes to the subject's face because he had "reverted back to what I know, which is boxing". He acknowledged that this technique differs from what he was trained on by the Minot Police Department.

Capt. Sundheim had raised a concern that Officer Cory may have violated department policy by watching the body camera video prior to writing his report on the incident. I am satisfied with Officer Cory's explanation that he was directed by Lt. Redding to watch the video with Lt. Redding who was reviewing the incident. Lt. Redding explained that he was having problems

with accessing the video through his own log on and had asked Officer Cory to access and review the video with him.

Findings:

After examining the incident documentation including Capt. Sundheim's report I make the finding that Officer Cory violated Minot Police Department - Use of Force policy by his use of closed fisted strikes to the subject's face. I find that his actions exceeded the reasonableness standard required for use of force by a police officer to control an arrestee.

Disciplinary Action:

1. Officer Cory will be suspended from work without pay for a period of six (10 hour) work days, with a loss of pay of 60 hours.
2. Officer Cory will be required to complete a training course on de-escalation techniques.
3. Officer Cory will be placed on a performance improvement and monitoring plan for a period of at least six months.
4. Officer Cory will not train on the subject of Taser during the period of his current certification.

_____ Date: 8/5/19

Chief Jason T. Olson

I have been given a copy of this disciplinary decision.

_____ Date: 8/5/19

Officer Kevin Cory

Witnessed by:

_____ Date: 8/5/19

Capt. John Klug

Optional waiver:

I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

_____ Date: 8/5/19

Minot Police Department

Internal Case File	19-7.1
RE: PD Case File	19-19017

Employee:	Kevin Cory
Date of Incident:	Investigation Performed By:
06.20.19	Minot Police Department Capt. Justin Sundheim
Date of Complaint/Investigation:	
06.24.19	Jayson PASKE Phone: Address:

INVESTIGATION DETAILS

06.24.19

Jayson PASKE came to the Police Department and filled out a written citizen complaint form.

06.25.19

I (Capt. Sundheim) was forwarded the complaint.

06.26.19

1117 hrs-Made contact with PASKE over the phone. I asked if he would be willing to come to the PD to talk about the complaint. He stated that he would have to talk to his lawyer first. I asked him to call me back and let me know if 3:00 PM would work. As of 07.16.19, I have not heard back from PASKE.

Capt. Sundbakken began to make arrangements for a Use of Force Board to convene on 06.28.19. (MPD Policy 301)

INVESTIGATIVE INFORMATION

06.27.19

0810 hrs-I met with Officer Bloyer in my office. He was given a Notice of Investigation regarding this incident. (attached)

0820 hrs-I met with Officer Cory in my office. He was given a Notice of Investigation regarding this incident. (attached)

06.28.19

0900 hrs- I met with the Use of Force (UOF) Board and provided them with documentation and video of the incident. Lt. McLeod was the Chair of the Board (Policy 301.4.2) See attached summary report from the UOF Board for their findings.

07.03.19

PSAP McPeak downloaded the officer radio traffic for the incident. The digital file is attached.

07.05.19

0800 hrs-I met with Officer Bloyer in my office. Summary of interview is as follows:

1) *He had stopped PASKE for suspicion of DUI*
2) *PASKE was acting "pretty belligerent"*
3) *Due to PASKE'S actions, he wanted to further the DUI investigation*
4) *He had informed PASKE multiple times to get out of the car and informed him consequences if he didn't.*
5) *PASKE had eventually unlocked the car door and he opened it.*
6) *(officer) Cory had opened the door and he heard "strikes" or "fighting".*
7) *He grabbed ahold of PASKE and told him to get out.*

8) He pushed PASKE "back into the seat" and pulled it (seatbelt) off of him.

9) He "pinned" PASKE back in as there was some "scuffling" going on.

10) He didn't recall seeing what happened initially (in the car between Cory and PASKE) He was focused on PASKE

0835 hrs-I met with Officer Cory in my office. Summary of interview is as follows:

1) He was the cover officer for Officer Bloyer on the traffic stop.

2) He could hear PASKE and Officer Bloyer going back in forth verbally and Officer Bloyer wanting PASKE to step out of the vehicle.

3) The door became unlocked and that's when opened up the passenger door.

4) He stated that PASKE had the seatbelt buckled into the passenger buckle, not the driver's buckle.

5) He hit the (buckle) at the same time Officer Bloyer started to attempt to pull (PASKE) out of the vehicle.

6) He saw Officer Bloyer reach in and, "try to pull (PASKE) out and (PASKE), instead of going out of the vehicle, pushed backwards and I was already halfway into the vehicle so I started trying to push (PASKE) out through the passenger side."

7) He stated that PASKE was seated at an angle (45 degrees) away from him.

8) He stated he "tried to push him out and then he started pushin' again against me"

9) He saw (PASKE)'s "Hand start-what I thought he was getting ready to punch Bloyer. And so I grabbed on to my hand and struck him in the face, um, attempting to disorientate or disorientate-oh I can't even speak. Disorientate him from, you know, that-basically just throw him off."

10) He stated that "all I could see was his right hand and it was in a circular movement towards Bloyer that appeared to be striking or-or that he was attempting to strike or hit Bloyer.

11) He used a closed fist (to strike PASKE)

12) He didn't believe he had anything in his right hand. (used to strike PASKE)

13) He was "aiming for the nose" and then the "cheek area". "The nose is just one that I know it-basically just shuts down the senses" and "It gets pretty much the fight out of people."

14) He believed he hit PASKE three (3) times.

15) He stated that there "wasn't really any reaction other than he was still flailing his arm and saying "he's hitting me" and still pushing back against me".

16) He doesn't remember any one striking PASKE with a knee or kicking PASKE.

17) When asked if he was trained on the strikes to disorientate, he stated "we weren't trained on closed punches" "Closed fist punches"

07.08.19

Request of PASKE's medical records was sent via email.

07.15.19

Training records were received from Capt. Sundbakken earlier in the investigation and were reviewed. (copies attached)

--Officer Cory had completed 14 Daily Training Bulletins from 04.29.15 to 3.24.19 that were related to Use of Force to include "Reasonableness" "Excessive" and "Factors to Consider"

--Policy 300 (Use of Force) was reviewed and acknowledged on 06.07.16 and 4.11.18 by Officer Cory.

--Officer Cory completed Force on Force training on 12.10.18 and Minot PD Defensive Tactics on 08.08.17

--POST Records are attached

--Minot PD Training profile is attached

--Sr Defensive Tactics instructor Sgt. Wilk indicated that Officer Cory completed the 40 hr in house defensive tactics course when he began employment with the PD.

07.17.19

An audit (attached) was performed on the two body camera videos (Cory and Bloyer). Officer Cory's login was used to access and stream his body cam footage twice after the incident. Once at 02:00:16 and a second time at 02:15:16.

A check of Officer Cory's supplemental report shows he began his supplemental report at 03:50:46 and submitted it at 03:57:27. Considering the length of the report, the report may have been copied and pasted to the supplement from a separate word document.

Dispatch log shows Officer Cory clearing the DUI call at 0039:08. Officer Cory did respond to a medical call from 01:24:15 to 01:40:04 later that morning.

07.18.19

Report will be forwarded to Chief Olson for review. PASKE has not contacted me again to this date. Medical records are still pending.

SUMMARY OF VIDEO REVIEW

Officer Bloyer informs PASKE 11 times to get out of the vehicle before going hands on with him. Officer Bloyer explained to PASKE on at least 3 separate occasions why he needed him to get out of the vehicle prior to the door being opened. Officer Bloyer told PASKE 2 more times (13 total) to get out of the vehicle as he was physically trying to remove him. On the 13th time, Officer Bloyer told PASKE he was under arrest.

Video from bodycams do not show anything other than a scuffle ensuing and provide a time frame of altercation. Video does not show PASKE being struck or what he is or isn't doing once officers are inside. Audio from video indicates PASKE is being struck multiple times (minimally 3 times).

Dashcam video is poor in quality. It shows officers entering the car and PASKE eventually being taken into custody outside the driver's door. It is not high enough quality to be able to ascertain what is happening inside the vehicle.

SUMMARY OF INVESTIGATION AND APPLICABLE POLICIES

Based on the information gathered during this investigation, the following policies were reviewed for applicability: Minot PD Policy 300 (USE OF FORCE) Policy 422 (PORTABLE AUDIO/VIDEO RECORDERS)

300.3 USE OF FORCE

> "Given that no policy can realistically predict every possible situation and officer may encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident."
>
> "Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. ***In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose."***

Officer Cory's use of closed fist strikes to the face do not appear to meet this standard as set forth. Although deviation from training methods may be allowed under certain circumstances, this situation does not appear to meet that criteria. PASKE was verbally confrontational, but had not given indication of being physically confrontational. In addition, Officer Cory was not alone on this call, as he had another officer with him that he was assisting.

300.3.2 USE OF FORCE FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

> *"When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to":*
>
> *(a) Immediacy and severity of the threat to officers*

PASKE was seated in the driver's seat of his vehicle. (see subsection (k) for additional detail)

> *(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.*

PASKE was verbally argumentative and refusing a general order to exit the vehicle.

> *(c) Officer/Subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs subjects)*

Bloyer and Cory are both younger (age), experienced officers that could be described as reasonably physically fit. Their skill level in regards to physical/defensive tactics are relatively high as Officer Bloyer is a SWAT officer and Officer Cory is a Taser instructor.

(d) The effects of drugs or alcohol

PASKE was suspected of being under the influence of alcohol but did not exhibit any other threatening behavior other than being argumentative.

(e) Subjects mental state or capacity
(f) Proximity of weapons or dangerous improvised explosive devices

There were no weapons that were perceived or articulated to be a concern.

(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
(h) The availability of other options and their potential effectiveness.
(i) Seriousness of the suspected offense or reason for contact with the individual

Suspected DUI (misdemeanor criminal offense)

(j) Training and experience of the officer

Officer Cory is a 5 yr officer with the department and is a Taser instructor.

(k) Potential injury to officers, suspects, and others.

Although there is a possibility of the vehicle being put into drive and potentially injuring officers while they are attempting to control PASKE, Officer Cory did not articulate that was ever a concern for his use of force, nor did PASKE ever give any indication of doing so.

The potential for injury for officers is always a concern, however, PASKE was in a seated position with two officers that are hands on with him. The potential for injury to officers had not presented itself in this situation other that PASKE bringing his hands up from a seated position.

(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer

Officer Cory indicated he thought PASKE was about to strike Officer Bloyer. Officer Bloyer indicated that he knew a struggle was ensuing with PASKE and Officer Cory. It is reasonable to assume the "struggle" may have been a result of PASKE being struck in the face.

(m) The risk and reasonably foreseeable consequences of escape
(n) The apparent need for immediate control of the subject or a prompt resolution of the situation

Office Bloyer indicated he was going to "negotiate" with PASKE some more once the door was open, however when Officer Cory went in the vehicle, his actions transitioned to going hands on with PASKE.

(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officers or others
(p) Prior contacts with the subject or awareness of any propensity for violence
(q) Any other exigent circumstance

The Use of Force board that was convened found Officer Cory to be in violation of Policy 300 (USE OF FORCE). Given the totality of the circumstances as detailed above, the amount of force that was used does not appear to meet the reasonableness standard for use of force. Each use of force application in itself must be justified. In this case, each strike must be justified. Therefore, I agree with the board's decision based on the above factors, thus Officer Cory's action(s) in regards to violation of Policy 300.3 Use of Force and 300.3.2 Factors to Consider are SUSTAINED.

CONCLUSION:

In addition to the listed summary and findings for the allegation made by PASKE, the investigation revealed that Officer Cory was also in **Violation of Policy 422.7.**

422.7 PORTABLE AUDIO/VIDEO RECORERS (REVIEW OF RECORDED MEDIA FILES)

> *"When preparing written reports, members shall not review their recordings as a resource prior to filing their report. After the written report is filed, a member may review their recordings."*

An audit of Officer Cory's body camera footage from this incident shows Officer Cory's login was used to stream the video twice. Once at 02:00:16 and a second time at 02:15:16. Officer Cory did not submit his supplemental report until 03:51:27 hrs.

End Report

Captain Justin Sundheim

June 28th, 2019
Use of Force Review Board Findings
Ref. CFS #19-19017

Lt. McLeod
Sgt. Wilk
Sr. Officer Casarez
Officer Bjork
Capt. Kraft (WCSO)

On the 28th of June, a review board was assembled to review the listed incident. The scope of the review was to determine whether the actions of Officers Bloyer and Cory were reasonable and within department policy.

The board reviewed both the policy on review boards; 301, as well as the department Use of Force policy; 300. The case reports and use of force reports filed by both officers were read prior to viewing dash cam footage and the body cam footage from both officers. The discussion centered around 4 specific sections of the policy: 300.2.1 / 300.3 / 300.3.2 / 300.3.3 which will be explained in more detail.

The findings of the board are that Senior Officer Jay Bloyer's actions were reasonable and within department policy. The board found unanimously that the actions of Senior Officer Kevin Cory were not reasonable and were not within department policy. Senior Officer Cory entered the vehicle and struck the subject several times with a closed fist causing serious injury to his face.

300.3 Use of Force

While at the time force was implemented, the subject had not been advised he was under arrest, Officer Bloyer was attempting to conduct a DUI investigation and gave numerous lawful commands to exit the vehicle.

300.3.2 Factors to Determine Reasonableness of Force

Officer Bloyer's actions were reasonable in that he utilized empty hand controls by grabbing on to the subject by the left arm and the collar of his jacket to remove him from the vehicle.

Officer Cory's actions were not reasonable for the resistance encountered based on the subsections below.

a. There was no immediate threat to either officer or others at the time force was used. Neither officer articulated a threat and Cory's report contradicts the possibility in that Officer Bloyer was outside the car with control over the subject's left wrist. Officer Cory stated he thought Bloyer was getting assaulted or may get assaulted, yet the subject was seated in the driver's seat facing either forward or toward Officer Cory at the time. Officer Cory's statement that the subject "brought his hands to the front of his body" does not articulate a perceived threat.

b. The conduct of the subject at the time was defiant and resistive in that he was refusing to exit and resisting efforts to remove him from the car. At no time was there mention of an active assault or even statements of the nature.
f. There was no known weapons at the time of the incident. Officer Bloyer noted in his report that the subject had a cell phone in one hand and a vaporizer in the other.
h. Lower levels of force were not even attempted by Officer Cory. Options such as OC spray and/or Taser, while still an intermediate weapon, would be far safer options than strikes to the face.
i. The crime being investigated at the time force was used was DUI (class B misdemeanor)
j. Both officers on scene are senior officers with the department, with more training and experience
k. there was no articulated potential for injury to the officers on scene or a fear of a risk to the public.

300.2.1 Duty to Intercede

We looked at whether Officer Bloyer would have had a duty to intercede and found that based on the circumstances, he could not see what actions Officer Cory had taken, and would not have had time to intercede if he had. Therefore we found no violation of this policy.

Another factor discussed by the board was the actual fist strikes. Officer Cory noted in his report that he struck the subject several times to disorient him. This was discussed with Sgt. Wilk and no force curriculum being taught by the Minot PD teaches using a closed fist strike to the face for the purpose of disorienting or distracting.

City of Minot

Police Department

December 5, 2017

To: Senior Officer Charles Shane Johnson

From: Chief Jason T. Olson

Ref: Internal Investigation ref. Case #2017-2330

On November 28th, 2017, Captain John Klug reported that there was a request by a Federal Prosecutor to MPD Records Division for some evidence from Case # 2017-2330, namely a video from surveillance cameras at a grocery store.

An arrest had been made of a subject on January 23rd, 2017 in the parking lot of the store. The events were captured by the store's video camera system. The video had not been located by Records staff and a follow up inquiry with Senior Officer Titus Clouse revealed that he was in possession of the evidentiary video from the case.

The video was subsequently entered into evidence. Officer Clouse had made a comment when turning it in that led to suspicion that the video had been intentionally held out of being entered into the Department's evidence storage due to the contents of the video which portrayed the arrest procedure of the male subject.

During the arrest, the subject had resisted and force was used by Officer Tim Gates, Officer Charles Shane Johnson and BCI SA Craig Sandusky. Officer Clouse also assisted with controlling the subject.

Capt. Klug was tasked with conducting an internal investigation into the matter. The report of his investigation is attached to this letter. After examining the entire documentation including Capt. Klug's report I note the following events.

Events:

1. Officer Johnson first attempted to arrest the subject in the parking lot of the grocery store. The subject was fleeing on foot and attempting to get away from Johnson's gasp.
2. Officer Timothy Gates (formerly employed by MPD) tackled the subject and flung him to the ground.
3. As the struggle with the subject continued, Officer Gates changed his hold of the subject from around the subject's waist to a hold around the subject's neck.
4. SA Sandusky joined the melee to lend assistance in getting the subject controlled.
5. During the struggle, a handgun was seen in the subject's waistline which was communicated to the other officers by SA Sandusky.
6. SA Sandusky was able to remove the handgun from the subject and secure it.
7. Officer Gates continued to hold the subject by the neck in what appears to be a lateral vascular neck restraint type of technique until the subject was successfully handcuffed.
8. Officer Johnson delivers two slaps or strikes with his right hand to the facial area of the subject, the first of which came just as the subject was handcuffed and the second of which came several seconds after the subject was handcuffed and already under control.
9. Officer Johnson did not file a Use of Force report.

10. Officer Gates obtained a copy of the surveillance video on a USB flash drive from the grocery store on the same date as the incident (01/23/2017) but did not enter it into MPD evidence as per policy and standard procedure nor did he document it in any reports.
11. Officer Gates and Clouse viewed the video and had a discussion about the appearance of the force used indicating that it may not look good in light of what is currently going on in this country regarding police and use of force.
12. On the date of the incident, Officer Gates made a recording of a portion of the video on his cell phone and forwarded it to several officers.
13. Officer Gates retained the USB flash drive containing the video for a period of days or weeks instead of entering in as evidence.
14. It is unclear as to how long Gates retained the video but at some point prior to his departure from MPD to his new job in Minnesota he gave the flash drive containing the video to Officer Clouse.
15. Officer Clouse did not enter the video in as evidence but instead held on to the video in his patrol car until 09/28/17 when a MPD records technician asked him if he had it.
16. Officer Clouse made a statement to the technician to the effect that Officer Gates did not want the video entered into evidence unless it was requested. Officer Clouse maintains that is not the reason it was not entered into evidence but rather because he forgot about doing it.

Initial Findings:

1. Officer Johnson's second strike which occurred several seconds after the subject was secured with handcuffs was unreasonable and without justification by MPD policy.
2. Officer Johnson did not file a Use of Force report.

As a result of these findings I am ordering the following:

1. Officer Johnson will be suspended from work without pay for a period of 5 work days with a loss of pay of 40 hours.
2. Officer Johnson will be required to submit a comprehensive written report outlining the potential implications of use of force such as occurred in this incident on both the officer and the department.
3. Any disciplinary actions will be effective once the appeal processes are either waived or exhausted.

Date: 12/6/17

Chief Jason T. Olson

I have been given a copy of this disciplinary decision.

Date: 12/6/17

Officer Charles Shane Johnson

Witnessed by:

Date: 12/6/17

Capt. ~~Rob White~~
JOHN KLUG

Optional waiver:

I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

Date: 12/6/17

City of Minot

Police Department

Internal Investigation
Reference: Surveillance Video for case # 17-2330
Opened: November 28, 2017
Officers Involved: Sr. Officer Titus Clouse, Sr. Officer Shane Johnson, Former Sr. Officer Tim Gates

December 6, 2017

On November 28, 2017 Sgt. Jessica Sundheim and Evidence Technician Rebecca Heringer came to me office and told me they needed to talk to me. Sgt. Sundheim told Rebecca to explain what happened and she provided information about a surveillance video.

Rebecca said she was contacted by Jeremy Ensrud from the Federal Prosecutor's Office who asked about a surveillance video in reference to case number 17-2330, which involved the arrest of Alexander Galindo. When she researched the case she couldn't find a surveillance video listed in evidence. She noticed the primary officers on this call were Tim Gates, who now works for an agency in Minnesota, and Officer Titus Clouse. She went to the shift commander's office and Officer Clouse was sitting at the desk and was the only one in the room. She asked him about the video and Clouse said he had the video, but Gates didn't want it turned in unless it was requested for the case because of the chokehold used by Gates.

On November 28, 2017 at about 4:41 PM I conducted an interview of Officer Titus Clouse in my office. Prior to beginning the interview I provided a Garrity Warning form and told him to read it and if he agreed, sign and date it. He did so and we proceeded with an interview. I had him explain his involvement in the case and then asked about the video. When asked specifically about the video he told me it was given to him just prior to Gates leaving Minot PD for his new job in Minnesota and he forgot it on the dash. I then asked him about his conversation with Rebecca about it not being turned in until requested because of the choke hold Gates used on Galindo. Officer Clouse's face turned red and there was hesitation in how he answered. I asked follow up about the conversation Gates and Clouse had about the video and he said there was discussion about not turning the video in because of what was shown on the video.

After completing my interview with Officer Clouse, I immediately called Tim Gates in an effort to obtain accurate information from him about the video prior to any conversation Clouse may have with him about the video. Gates said he obtained the video because he had made the request from the store and they told him when it was done. He said he gave it to Clouse shortly after obtaining it from the store because Clouse told him the gun charge was going to go Federal. He also said Clouse filed all of the charges against Galindo and that's also why he gave the video to Clouse. Gates did say that the choke hold wasn't as much a topic of conversation as the "slam", also referred to as "suplex". On November 29th Tim Gates contacted Chief Jason Olson and wanted to talk about the video. Chief Olson spoke to Gates and the call was recorded. Gates reiterated what he had told me, however, unlike the first day when I spoke to

him, he said that "we knew he had a gun", but that wasn't mentioned in the report with exception to after one of the officers yelled "gun" while they were wrestling with him and it became exposed, which is after Gates slammed him to the ground.

After obtaining a copy of the B&D surveillance video that was turned into evidence, I watched the video to try to understand what happened and why the video may not be turned in. While watching the video I noticed there were two (2) strikes delivered to Galindo's head by Officer Shane Johnson. This raised suspicion that Clouse may not have turned the video in to try to prevent Officer S. Johnson from facing discipline for his actions following the arrest of Galindo.

On November 29th, 2017 I interviewed Officer S. Johnson at 4:13 PM after providing the Garrity warning. I asked him about the video and he said he didn't know much about the video, but assumed it was turned in because he saw the video the day of the incident and said he thought it was good evidence in the case because it showed the gun being removed from Galindo. He also alluded to the fact that Officer Clouse had called him about being put on administrative leave and told him that a "conversation may have taken place between Titus and Tim... a while back." I asked Officer S. Johnson if he remembers striking Galindo after he was handcuffed and in custody and he said he didn't. I asked if he watched the video and he said not since January when he was initially showed the video. I paused the recording while preparing the video and watching it with S. Johnson. I pointed out the strikes and he said he didn't remember hitting him, but he couldn't deny it because it was on the video. Officer S. Johnson also said he didn't have an explanation about why he struck him and said even that wouldn't prevent him from turning in the video. He maintained that he was never part of a conversation about not turning in the surveillance video.

On December 2nd, 2017 I obtained a copy of the video sent to SA Sandusky and asked if he also knew when he had received it from Officer Gates. SA Sandusky said it appeared he received it at 5:16 PM on January 23, 2017 and it was submitted with his report to his supervisor on January 24, 2017. I watched the video which Gates recorded with a cell phone off of his in car computer and sent to SA Sandusky. A call was dispatched at the end of the video, which was determined to be an alarm call (Inc# 17-2350), and that call occurred at 17:16 on January 23, 2017. This confirms that the video was in the possession of Tim Gates before the end of his shift on January 23, 2017. If this wasn't turned over to Officer Clouse prior to the end of their shift on January 23rd, the next date they both worked patrol together would have been January 30th, 2017.

Tim Gates also said during every conversation with myself and Chief Olson that he had the video and turned it over to Officer Clouse as soon as he heard the case was going federal. In an effort to try to develop a potential timeline for the evidence I called Jeremy Ensrud (Federal Prosecutor) to ask for any details about when he decided to charge this case in Federal Court. He offered that he attended a meeting at the Drug Task Force and it was mentioned by Officer Shane Johnson and SA Craig Sandusky. He said he sent an email to Ward County State's Attorney Roza Larson on February 8th, 2017 to inform her of his interest to charge Alexander Galindo in Federal Court. He then received the report from SA Dan Mehlhoff with ATF on March

16, 2017 with the case information and it was submitted for arraignment in Federal Court in the week to follow. Using this information, the statement from Clouse, and the statement from Gates, it is more likely that Gates had the video until at least February 8th, but possibly until a couple days just prior to Gates leaving Minot PD to start his new job in Minnesota.

The policy violations in this case are as follows:

- **Policy 802 – Property and Evidence**

  802.3 Property Handling
  Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated locker or storage room, along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

  802.3.1 Property Booking Procedure
  All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:
  a. *Complete the property form describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.*
  f. *Evidence that requires processing shall be placed into property storage after it has been processed.*

The violation of the above mentioned policy is **sustained** for Officer Titus Clouse and for Tim Gates while acting in his position as an officer with our department at the time of the incident. Through both of their statements, Titus Clouse and Tim Gates both admit to having the video past the end of the duty day when they took custody of the flash drive, which they both identify as evidence in the case in question.

- **Policy 1006 – Personnel Complaints**

  1006.6.2 Administrative Investigative Procedures
  Whether conducted by a supervisor or a member of the Patrol Operations Commander, the following applies to employees:
  j. *All employees shall provide complete and truthful responses to questions posed during interviews.*

The violation of the above mentioned policy is **sustained** for Officer Titus Clouse. (This policy does not apply to Tim Gates as he is no longer employed by Minot PD.) Officer Clouse provided information in his interview that he forgot about the evidence (flash drive), but when specifically questioned about not turning in the evidence because of what it showed, he said that was a conversation had. When considering all information obtained during the investigation, it is apparent that a conversation was had between Tim Gates and Officer Titus

Clouse wherein they discussed the appearance of the force used and shown on the video and not turning the video in as evidence unless it was requested. Officer Titus Clouse and Tim Gates both had a part in maintaining custody of the evidence for a period totaling a little over ten (10) months prior to it being turned in as evidence by Officer Clouse. It is apparent that the information provided by both is not complete or truthful.

This policy violation is also a violation of the Peace Officer Code of Conduct 109-02-05-01 wherein it is a violation under subsection (e) "To willfully lie, provide false testimony, provide misleading information or falsify written or verbal communications in reports when the information may be relied upon by the courts, state's attorneys, or other law enforcement officials.

- **Policy 300 – Use of Force**

300.5 Reporting the Use of Force
Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

300.3.2 Factors Used to Determine the Reasonableness of Force
When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. (There are a list of 17 factors (a-q) listed within this section.)

300.5.1 Notifications to Supervisors
Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

b. The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
c. The individual subjected to the force complained of injury or continuing pain.
h. An individual was struck or kicked.

The violation of the above mentioned policies are **sustained** for Officer Shane Johnson. Although he stated he didn't remember delivering two strikes to the face/head area of Alexander Gilando, it is apparent on the video that he did so. These strikes served no purpose in taking Gilando into custody and were delivered following him being in control and handcuffed. Additionally, Officer S. Johnson was involved throughout the incident and should have known Gilando experienced pain and heard his complaints of being hurt and in pain. The presence of these circumstances should have led to Officer S. Johnson filing a "Use of Force" report in this incident. Additionally, in considering the reasonableness of the force, none of the seventeen (17) factors were present at the time of the strikes. Officer S. Johnson could not remember or explain why he delivered the strikes.

I have included a list of all transcribed statements, recorded phone calls, videos, and reports obtained as a part of this investigation. Please see the itemized list in the attached reference page.

Respectfully,

Captain John Klug
City of Minot, Investigations Commander
Minot Police Department
Office: 701-857-9800
PO Box 5006, Minot, ND 58702-5006
john.klug@minotnd.org

Enclosures: 1 reference page

REFERENCE PAGE

Internal Investigation: Sr. Officer Titus Clouse, Sr. Officer Shane Johnson, former Sr. Officer Tim Gates

December 6, 2017

Reports

Rebecca Heringer – Evidence Technician
Sgt. Jessica Sundheim – Records Sergeant
Case Report - Reference 17-2330
Use of Force Report – Tim Gates
Arrest Report – Tim Gates
Arrest Report – Titus Clouse
Response to Resistance report – SA Craig Sandusky

Statements

Sr. Officer Titus Clouse (11/28/2017) *
Tim Gates – phone call w/ Capt. Klug (11/28/2017) *
Tim Gates – phone call w/ Chief Olson (11/29/2017) *
Sr. Officer Shane Johnson (11/29/2017) *
Rebecca Heringer (12/01/2017) *

Video

B&D video (ch3)
B&D video (ch4)
B&D video (ch7)
Copy of video sent to SA Sandusky via text

Additional Information

Incident Report – Reference 17-2350
Day Shift Schedule (Jan 15-Feb 11, 2017)

** Indicates Audio File Available*

October 2, 2019

To: Senior Officer Josh Lund

From: Chief Jason T. Olson

Ref: Use of Force review – Taser usage

I received a report (copy attached) from Capt. John Klug that Officer Lund violated Policy 304 on Taser usage during an incident on August 19th, 2019.

I have reviewed the report and body camera video. I concur with the conclusion that Officer Lund violated the policy by utilizing a Taser on a fleeing motor vehicle theft suspect for mere flight in order to apprehend the suspect.

Findings:

1. Officer Lund utilized his Taser to apprehend a subject who was fleeing on foot from him. The subject did not display any assaultive type behavior towards Officer Lund but was merely fleeing on foot. This type of usage of the Taser device is specifically prohibited by policy 304.4.1.

304.4.1 APPLICATION OF THE TASER DEVICE
The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

As a result of these findings I am ordering the following:

1. This letter of reprimand is issued to Officer Lund who has been warned that his actions were in violation of policy on Taser usage.
2. Officer Lund will undergo remedial training and policy review regarding the Taser device.

Officer Lund understands that any future violations of this nature could result in additional suspension without pay or termination of employment.

Jason T Olson Date: 10/3/19

Chief Jason T. Olson

I have been given a copy of this disciplinary decision.

_____ Date: 10/3/19

Officer Josh Lund

Witnessed by:

_____ Date: 10/3/19

Capt. John Klug

City of Minot

Police Department

Policy Violation
Reference: Use of Force
Officer Joshua Lund

August 20, 2019

On August 19, 2019 I was notified by Lt. Dale Plessas that he was looking at a use of force wherein Sgt. Foley had some concerns. This use of force was a Taser deployment by Senior Officer Joshua Lund on August 17, 2019. The Taser was deployed on a male subject who was a suspect in a vehicle theft who began running away from Officer Lund when he told him he was being detained and to put his hands behind his back. After a short distance and no verbal warning, the subject was tased in the back while running.

I have attached the letter from Lt. Dale Plessas which outlines the policy violations committed by Officer Lund during this incident. The violations of Policy 304 surrounding the use of Conducted Energy Devices (Taser) put the suspect at undue risk of injury when tased while fleeing from Officer Lund.

Because this is the first incident surrounding a use of force by Sr. Officer Lund, I would recommend a letter be placed in his personnel file and that he be ordered to take a full refresher course on the Taser to include training on Policy 304

Respectfully,

Captain John Klug
Patrol Commander

☆The Magic City☆

PO Box 5006 • 515 2nd Ave. SW • Minot, North Dakota 58702-5006 • (701) 852-0111 • Fax (701) 839-4804

August 20, 2019

Capt. Klug,

On August 17, 2019, Sgt. Foley contacted me with concerns to a use of force by Officer Lund. I reviewed Officers Lund's Use of Force Report, his Body Camera Footage, and talked to him about incident 19-26084. I believe Officer Lund's use of the Taser device is contrary to the Minot Police Department Policy for Conducted Energy Device 304.2, 304.4.1, and 304.4.2 (f).

On August 16, 2019, Officer Lund observed a stolen vehicle and two subject he believed were involved in the possession of this stolen vehicle. He approached the subjects and after a brief interview advised one of the subjects, he was going to detain him by placing him in handcuffs (approximately 5:29 on Officer Lund's Body Camera video). This Subject immediately fled on foot from Officer Lund. Officer Lund pursued the subject. Officer Lund deployed his Taser device without giving any verbal warning to this subject. Furthermore the subject was actively running. The subject fell to the ground and Officer Lund places him in handcuffs without further altercation. This incident occurred in Oak Park in the area of the dike for the Mouse River.

Officer Wilkerson was also on scene at the time of this incident. When the subject fled from Officer Lund Officer Wilkerson detained the second subject prior to assisting Officer Lund in apprehension of the fleeing subject. Officer Wilkerson did not participate in the use of the Taser devise, but assisted in handcuffing the subject after deployment. Sgt. Wheeler also responded to the scene as the supervisor.

Upon completion of my review, I note the following Policy violations:

1. At no time during this incident did the subject give any indication that he presented harm to Officer Lund or any other person. He gave no indication that he was violent or potentially Violent.
2. The Subject was actively fleeing from Officer Lund.
3. It appears form the video and Officer Lund's report that his only reason for deployment was apprehension.
4. The individual's position or activity may have resulted in collateral injury.

On August 19, 2019, I talked to Officer Lund about this incident. Officer Lund conceded that his only reason for deploying his Taser was for apprehension, and the subject was not actively violent. When I asked him if the deployment was only to apprehend the subject, he said "yeah. I wasn't thinking".

I advised Officer Lund that MPD Policy indicates that the use of the Taser is intended to control Violent or potentially violent subjects. I advised him that there was no indication that this subject posed any threat. I also advised him that policy specifically indicates that that mere flight is not a good reason to use his Taser. Officer Lund indicated that he understood.

I provided Officer Lund a copy of MPD Policy 304 – Conductive Energy Devices via e-mail. He was also advised that he needed to review it prior to going on patrol on his next workday and he will confirm doing this with Sgt. Foley, his assigned supervisor. Sgt. Foley was advised to insure that he understands the policy and answer any questions he has.

304.2 POLICY
The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

304.4.1 APPLICATION OF THE TASER DEVICE
The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good

304.4.2 SPECIAL DEPLOYMENT CONSIDERATIONS
The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:
(a) Individuals who are known to be pregnant.
(b) Elderly individuals or obvious juveniles.
(c) Individuals with obviously low body mass.
(d) Individuals who are handcuffed or otherwise restrained.
(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Lt. Dale Plessas

Day Shift Commander

Dale Plessas

From: Jared Foley
Sent: Saturday, August 17, 2019 11:39 AM
To: Dale Plessas
Subject: Lund Use of Force 19-26084

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Lt Plessas,

In regard to 19-26084, Sr Officer Lund completed a Use of Force report for a taser deployment on 08/16/19. After reviewing the report and the body camera video, I have some concerns about the force that was utilized to take the suspect into custody and with the report that was completed detailing the event.
Officers were in Oak Park and located a stolen vehicle with two individuals next to it. The individuals were subsequently located and detained in Camp Oweti. As Sr. Officer Lund was going to detain the male half, the male fled on foot. Sr. Officer Lund gave chase while reaching for his taser. Sr. Officer Lund subsequently deployed his taser while running after the suspect. The suspect fell to the ground after the taser probes made contact and he was subsequently taken into custody. My concern is that there were no verbal warnings given for the suspect to stop nor did Sr. Officer Lund attempt any other control tactics prior to deploying the taser. It appears that by watching the video, Sr. Officer Lund was "losing the race" if you will, and utilized the taser to keep the suspect from gaining more ground on him. It was determined the individual had warrants and was subsequently arrested on those and possession of the stolen vehicle as well as false information and refusal to halt.
The report, which was signed by the shift commander after I had gone home for the evening, does not detail reasons for why Sr. Officer Lund deployed the taser, just that he deployed it when the suspect fled. It does not go much into detail in general and is vague about the incident that unfolded, but does detail where the probes hit and how the male went to the ground. I subsequently reviewed the UOF and taser policies and believe there there are some issues with the force applied.
Only by listening to the radio was I informed that a taser had been deployed when the information was given to dispatch. Sgt. Wheeler subsequently went to the scene after learning of this but I was not directly informed of the deployment by the officers on scene.
Maybe Im looking into this to be more than it is but I would like to discuss it with you this next week after you've had a chance to review everything yourself.

Jared Foley
City of Minot, Patrol Sergeant
Minot Police Department
Office 701-857-9859
PO Box 5006, Minot, ND 58702-5006
City of Minot Website
Official Facebook Page

City of Minot

Police Department

October 1st, 2019

To: Senior Officer Josh Lund

From: Chief Jason T. Olson

Ref: CFS #2019-19434 – Pursuit Review

This letter is in reference to a review of a pursuit that occurred on 6/23/19 (CFS 19-19434). Captain John Klug reviewed the pursuit and forwarded a report (copy attached) of his findings along with his recommendation for disciplinary action. I have reviewed the report as well as the case file, videos and audio from the pursuit.

Summary: Officer Lund responded to the reported attempted robbery/break-in call at the Ranch Apartments – 2816 E. Burdick Expy, from the Police Department along with several other officers. While responding Officer Lund went through the intersection of 3rd St SE and East Burdick Expressway eastbound at a rate of speed between 60 and 64 mph. The light at the intersection had turned to red prior to Lund entering the intersection.

Officer Lund got to the call location along with several other officers. A motor cycle fled the scene which was pursued by Officer Sandusky as it went north on 27th St SE from E Burdick Expy. Officer Lund followed Officer Sandusky as the second unit involved in the pursuit. Officer Lund drove about 74 mph into the oncoming lane nearly passing Officer Sandusky for no apparent reason other than possibly to get a better look at the fleeing motorcycle before getting back behind her vehicle. Numerous times throughout the lengthy pursuit Officer Lund drives into the oncoming lane of traffic for little apparent reason. The pursuit turns west on Ward County road 10A. When it reaches the intersection of North Broadway the motorcycle turns southbound. Officer Lund takes the lead position in the pursuit going southbound in the northbound lanes of North Broadway through a road construction zone. The pursuit continues into oncoming traffic until it reaches 20th Ave NW with Officer Lund behind the motorcycle. There were three Minot PD patrol cars and two Ward County SO deputies following in the proper southbound lanes paralleling the pursuit. At 20th Ave NW Officer Lund turns into the southbound lanes while the motorcycle continues into oncoming traffic becoming the third unit in the line of pursuing patrol cars. After going to 16th Ave SW, west to 16 St SW, north to 4th Ave NW, north on 6th and 8th St NW the motorcycle finally crashes into a pickup truck at University Ave West and 8th St NW. There are several more instances during the pursuit when Officer Lund and other patrol cars pass through intersections at speeds that are unsafe while they pursue the motorcycle.

After the motorcycle crashes there is a short foot pursuit. The suspect is apprehended by Officers Lund, Laudenschlager and Noyes. The suspect is partially searched and a loaded handgun is located in his waistband. He is then placed in Officer Lund's patrol car where he proceeds to get a cellphone out of his pocket. The suspect uses the phone to make a call and send texts for about 8 minutes until an officer takes the phone away from him. Officer Lund's written report contains wording indicating that the original information on the call indicated that the suspect was armed with a gun. This is not supported by the radio and dispatch traffic.

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Findings: Officer Lund violated Minot PD Policy on Officer Response to Calls (#308) in his response to the call, specifically on E Burdick Expy at 3rd St SE by going too fast through the intersection which has limited visibility.

Officer Lund's driving throughout the pursuit violated the Vehicle Pursuits policy (#307) in more than one aspect. He drove into oncoming traffic lanes repeatedly, passed the lead officer without reason, and chased the suspect into oncoming traffic lanes in a construction zone creating unwarranted dangers to the general motoring public.

Officer Lund's report is inaccurate in stating that the original report was that the suspect was armed with a gun. This violates the Report Preparation policy (#324)

Discipline: As a result of these findings I am ordering the following:

Officer Josh Lund will be suspended from duty for three days (30 hours) without pay.

A copy of this letter will be placed in the personnel file of Officer Lund at the City of Minot Human Resources office.

Any future violations of policy may result in progressive disciplinary steps being taken.

_____ Date: 10/3/19

Chief Jason T. Olson

I have been given a copy of this disciplinary decision.

J Lund Date: 10/3/19

Officer Josh Lund

Witnessed by:

_____ Date: 10/3/19

Capt. John Klug

Optional waiver:

I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

J Lund Date: 10/3/19

City of Minot

Police Department

Policy Violation
Ref: Pursuit of Robbery Suspect (19-19434)
Officers Involved: Patrick Blanchard, Matthew Pappenfus, Joshua Lund, Erik Laudenschlager, Joshua Noyes, Caisee Sandusky, Jared Foley, Roman Wilkerson, Shawn Reis

September 10, 2019

On June 23, 2019 at 18:41 officers were dispatched to 2816 East Burdick Expressway for a report of a possible burglary in progress. Several officers responded and a motorcycle with the possible suspect driving fled the scene as officers arrived. A pursuit was initiated and went through several areas of Minot, lasting approximately 16 minutes. The pursuit was approved by Sgt. Dan Wheeler who was at the shift commander's desk at the time. During the pursuit information was passed on to the units that the incident may have been an armed robbery.

There were several issues addressed with the officers concerning their driving while participating in the pursuit. These issues did not rise to the level of a policy violation, but recommendations were made by Lt. McLeod about how to better handle the situations.

There was one violation of policy 307.4.4 that must be addressed formally. This was the driving by Senior Officer Joshua Lund while pursuing the motorcycle. At the intersection of 46th Avenue and North Broadway, the motorcycle turns southbound into the northbound lanes of North Broadway. At the time, this was also a construction zone with one lane of traffic. Officer Lund also turned into the northbound lane and pursued the motorcycle into oncoming traffic. This continued until 20th Ave where Lund then got in the correct lane of travel.

At several times during the pursuit, Officer Lund entered the oncoming lane of travel. This served no functional purpose, but does increase risk to other motorist. Some of the areas this occurred was on 16th Ave. SW, 16th St. SW, and 3rd Ave. NW.

The policy violation for Sr. Officer Josh Lund is sustained for the following violation

- **Policy 307 – Vehicle Pursuits**

  307.3 Officer Responsibilities

  The driver of a class A authorized vehicle may:

  - *Disregard regulations governing direction of movement or turning in specified directions so long as the officer does not endanger life or property.*

  Officers shall drive with due regard for the safety of all persons.

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307.4.4 Pursuit Driving Tactics

(c) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered.

2. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of roadway.

Sr. Officer Joshua Lund has a letter in his file dated February 19, 2019 wherein he was one of 3 officers formally disciplined for driving without their emergency lights on while attempting to find a vehicle for the Drug Task Force.

Based on the risk placed on other motorists and the prior violation, I would recommend Sr. Officer Joshua Lund be suspended for a period of 1 day (10 hours).

Respectfully,

Captain John Klug
Patrol Commander

City of Minot

Police Department

December 2, 2019

To: Senior Officer Josh Lund

From: Chief Jason T. Olson

Ref: Failure to Appear for Preliminary Hearing

Capt. Klug forwarded documentation to me concerning a preliminary hearing which you failed to appear at on November 27th, 2019 at 1530 hours (see attached report). Unexcused absences from court or hearings has been a repeating problem for you (see attached letter dated October 2nd, 2019).

Findings:

1. Officer Lund failed to appear for a scheduled preliminary hearing for which he had been provided notice. The absence is without excuse or justification. Sustained policy violation (Policy 323.5.5 – Attendance).

Disciplinary Action:

1. Officer Lund will be suspended without pay for 1 day (10 hours).
2. Captain Klug will work with Lt. Plessas to establish a performance improvement plan for Officer Lund.

Officer Lund understands that any future violations of this nature could result in additional suspension without pay or termination of employment.

Jason T. Olson Date: 12/02/19

Chief Jason T. Olson

I have been given a copy of this disciplinary decision.

J Lund Date: 12/8/19

Officer Josh Lund

Witnessed by:

John K Date: 12/9/19

Optional Waiver:

I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

J Lund Date: 12/9/19

City of Minot

Employee's Name: Roach, Andrew

Title: Master Police Officer

Department: Police Department

Review Period: January-December 2021

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
1. Skill and proficiency in carrying out assignments			3-Proficient			
Brief explanation: Officer Roach has a knack for police work. He remembers names and details with very high accuracy making him a go to officer when trying to identify a suspect or witness.						
2. Possesses skills and knowledge to perform the job competently			3-Proficient			
Brief explanation: Officer Roach has honed his skills in all aspects of the job. This has made him well rounded and able to take on a variety of assignments with great competency. If he puts his mind to it, it will be accomplished in a professional manner.						
3. Skill at planning, organizing and prioritizing workload		4-Highly Effecti				
Brief explanation: In 2021 Officer Roach has shown marked improvement in this area. Roach was a leader on night shift and would often times triage calls when needed. He would move officers where they needed to go and jump to other calls himself where he felt more needed. Roach always has a plan for the shift to find someone or something.						
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner				2- Needs Impro		
Brief explanation: Officer Roach has improved on getting the "little things done", such as rembering to label videos or complete small tasks, but still could use improvement. He does take constructive criticism well and learns from his mistakes.						
5. Proficiency at improving work methods and procedures as a means toward greater efficiency			3-Proficient			
Brief explanation: No areas of concern in this category.						
6. Communicates effectively with supervisor, peers, and customers				2- Needs Impro		
Brief explanation: He is a great communicator with the public and his peers. He has an abillty to get people to talk openly with him. Officer Roach has struggled when speaking with administration and supervisors outside his assigned patrol shift.						
7. Ability to work independently			3-Proficient			
Brief explanation: Officer Roach is self motivated and has a good need to stay busy. He enjoys searching for people who have active warrants. Officer Roach should take a more proactive approach to traffic enforcement and ticket writing.						

City of Minot

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N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 2- Needs Imp

Brief explanation: Officer Roach works well with his sergeants and other night shift officers. Officer Roach needs to remember that night shift is part of a larger team and needs to improve demeanor towards administration and other personnel outside of patrol. The total team effort includes all aspects of the department as a whole.

9. Willingness to take on additional responsibilities — 4- Highly Effect

Brief explanation: Officer Roach took on a much stronger leadership role in 2021. He took lead on more complicated calls and kept track of what all officers wehre doin to better serve the poeple of Minot. Officer Roach took on a role as a detective in investigations and was told he was performing well. He also applied to the MPD SWAT team.

10. Reliability (attendance, punctuality, meeting deadlines) — 3- Proficient

Brief explanation: Officer Roach is good in this area.

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 3- Proficient

Brief explanation: Officer Roach thinks great on his feet and during difficult incidents, yet on occasion displays an unacceptable level of frustration when dealing with situations outside of his control, which has shown to have a negative effect on his judgment.

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation: Officer Roach has no problems in this category.

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 4- Highly Effect

Brief explanation: Officer Roach has improved in this area of officer safety. He takes less risks and is always looking out for others he works with and their safety habits. He addresses concerns about officer safety openly and often, leading to improved habits by those he works with.

City of Minot

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Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. N/A

Brief explanation:

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. N/A

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. N/A

Brief explanation:

17. Delegates responsibility where appropriate, based on the employee's ability and potential. N/A

Brief explanation:

18. Takes timely and appropriate corrective/disciplinary action with employees. N/A

Brief explanation:

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. N/A

Brief explanation:

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Officer Roach can communicate effectively with difficult individuals, where other may struggle. This is huge for a police officer. His propensity to remember and recall minute details make him a benefit to the organization. He is intelligent and articulate and truly cares about the people he works with and for the public he serves. It was mentioned previously, but Officer Roach has distinct knack for this job.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Officer Roach can let things that are out of his control affect his performance. For instance court issues or disagreements with the States Attorneys Office or police administration can make him highly frustrated and has a tendency to show in his attitude and performance. Roach has improved in this but he still can use a bit of improvement, making sure all the little things that he doesn't feel are that important are accomplished. While assigned to investigations Officer Roach struggled with attention to detail on several case reports often requiring the supervisor to make corrections

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Officer Roach can do anything he puts his mind to. Upon his return to patrol he should be ready and able to be a leader. People follow and respect his ability. Officer Roach should strive to become an FTO, he has the ability to thrive in that role. It was indicated Officer Roach did well in investigations and should consider a return for a permanent position in the future. Seeking out training for investigations would be great for him and advantageous for the department.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

- Officer Roach should start where he left off on patrol as a leader and go to officer.
-Increase overall productivity: traffic enforcement, DUI, supplemental reports, video labeling, etc.
-Maintain a positive attitude with all personnel in the department. Don't let small things cause frustration.

5. List the employee's development goals for the coming year:

-Work towards becoming a full fledged FTO. Officer Roach has completed MOI, now seek out FTO training course and work with department training sergeant.
-Continue to seek out training in investigative skills in anticipation for a possible future reassignment to a detective position.
-Continue to express interest and apply for specialty positions within the department.

This annual performance review will become part of your City of Minot personnel file. Please sign below to acknowledge that you have received this document.

Employee Signature:	Date:
Andrew Roach 426/7946	12/2/21
Supervisor Signature	**Date:**

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

Find ways to ~~B~~ retain employees. Better Benefits, better pay, Have childrens daycare for employees Just to name a few. A pride in your employee's.

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

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Send to trainings.

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

☐ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Department Head Approval

Date:

Human Resource Director Review

Comments:

Human Resource Director Approval:

Date:

City of Minot

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City of Minot

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Supervisor Signature	**Date:**
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qsmd

City of Minot

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City of Minot

Department Head Review

Department Head Comments & Recommendations:

☑ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Department Head Approval

12/2/2021
Date:

Human Resource Director Review

Comments:

Lisa Jundt
Human Resource Director Approval:

Date:

Mikayla McWilliams

From: Anthony Hugg <anthony.hugg@minotnd.gov>
Sent: Thursday, October 3, 2024 10:53 AM
To: Heintzelman, Yvette
Subject: Fw: Face-to-face

[External Message]

---

here is the original email we got regarding the meetings, i will also send his later response.

Master Officer Anthony Hugg
Minot Police Department
SWAT Operator
Field Training Officer
Weapons Instructor

From: Anthony Hugg <anthony.hugg@minotnd.gov>
Sent: Wednesday, October 2, 2024 5:20 PM
To: Anthony Hugg <anthony.hugg@minotnd.gov>
Subject: Fw: Face-to-face

Master Officer Anthony Hugg
Minot Police Department
SWAT Operator
Field Training Officer
Weapons Instructor

From: John Klug <john.klug@minotnd.org>
Sent: Thursday, March 18, 2021 8:55 PM
To: PDCity <PD@cityofminot.onmicrosoft.com>
Subject: Face-to-face

Good evening Team,

As some of you have already experienced, I have started the process of meeting with each of you one-on-one during the course of your scheduled work day. I plan to continue these meetings on a steady schedule over the course of the next 2 weeks with the hope of meeting with every PD employee by the first week in April.

This meeting was intended to take place last year, but… YOU KNOW…. COVID HAPPENED! 😊

Anyway, there is nothing magical or mysterious about this meeting. I want to know a little bit about each of you so I have a better perspective of who makes up our department. I will share some insight on our changes that went into place the beginning of the year and look for anything you can tell me that may help me make decisions and shape our

future as a department. This is not recorded or formal and if you have anything to offer me about how I can better serve you as Chief, I welcome the input.

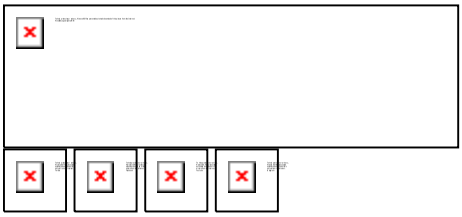
This is truly a casual conversation about our department based on your experience. I look forward to meeting with each of you in the coming days.

See ya soon!

Chief

Chief John Klug
City of Minot, Police Department
Office Phone: 701-857-9800

FBI-NA 258



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Mikayla McWilliams

From: Anthony Hugg <anthony.hugg@minotnd.gov>
Sent: Thursday, October 3, 2024 10:53 AM
To: Heintzelman, Yvette
Subject: Fw: One on One -- Update

[External Message]

Master Officer Anthony Hugg
Minot Police Department
SWAT Operator
Field Training Officer
Weapons Instructor

From: John Klug <john.klug@minotnd.org>
Sent: Wednesday, June 9, 2021 9:04 AM
To: PDCity <PD@cityofminot.onmicrosoft.com>
Subject: One on One -- Update

Good morning Team,

Over the past few weeks, I have not accomplished connecting with any of you in a one-on-one setting. It was brought to my attention on a couple occasions over the past couple weeks that there is some criticism of my failure to connect and to only offer a vague explanation of "issues in my personal life", which has apparently not validated my absence from this commitment. I don't think I OWE anyone an explanation, but as I prepare to ramp up my efforts to start these meetings, I want to be 100% transparent in the "WHY" I haven't met with many of you. To be clear, my Captains (your commanders) ALWAYS know what I am dealing with personally and professionally so they can help with answering questions if I am unavailable – don't hesitate to ask them if I am not available.

So, 6 weeks ago my mother-in-law was diagnosed with terminal brain cancer and my wife went to South Carolina to help take care of her and spend her final days with her mother. I stayed in Minot to care for our dog and continue a very important part of my responsibilities as Chief – budget for 2022. Now that my mother-in-law is dead, I only have to find time to make a trip to SC to pick up my car and drive back to ND with my wife. This will happen the beginning of July.

I had to have the final budget submitted last Friday – the day after my mother-in-law's death. A little distracted, I put the finishing touches on my requests and submitted it to Finance. On May 27th, about one week earlier, we had to give a "Budget Tour" to the Mayor and City Council explaining what we did with 2020 Budget, what we are doing with 2021 Budget, and what we want to do with 2022 Budget; this took a considerable chunk of my time because I wanted to get it right and ensure nothing was missed. To give a little insight, we are operating in 2021 with $10.1 million. In 2022, I have requested several personnel and equipment upgrades and submitted an $11.6 million budget – an increase of $1.5 million. I know there will be cuts requested, but I will fight for every "need" in the budget, especially the additional personnel.

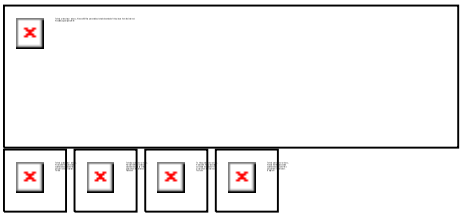
I am not laying out the information above to make excuses – but to offer an explanation. I own the responsibility for my commitment I have made to you and could not have predicted the devastating turn in my personal life.

Lastly, and most importantly, I will never turn you away from my office (within reason – such as if I am already in a meeting). Even if my door is closed – please knock. I will pause to talk to you and if I need some time to complete another critical task, I will ensure to set up a time we can meet that works for both of us. If you have an emergency you need to speak to me about – lead with that information when you talk to me. Each of you are my priority. The one-on-one conversations have been a great experience and very enjoyable conversations have been had. This process is important and each of you are important to our mission. Please, be patient. Some of your co-workers have talked for almost 2 hours. I have not cut off one conversation once we start.

Thank you for your time and attention and I will speak to you soon! Have a great – and safe – day!

Chief John Klug
City of Minot, Police Department
Office Phone: 701-857-9800

FBI-NA 258



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City of Minot

Employee's Name: Hugg, Anthony

Title: Police Officer

Department: Police Department

Review Period: January- December 2019

COPY

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
1. Skill and proficiency in carrying out assignments			3-Proficient			
Brief explanation: Officer Hugg has shown steady improvement in this area. He can be trusted with the numerous tasks assigned. If given a project, Hugg will get it done. Very well rounded.						
2. Possesses skills and knowledge to perform the job competently			3-Proficient			
Brief explanation: Officer Hugg is quickly gaining experience by being very involved in calls and also traffic which has improved his skill set. He asks very good questions which help him improve his knowledge of the job.						
3. Skill at planning, organizing and prioritizing workload			3-Proficient			
Brief explanation: Officer Hugg is organized and has a good understanding of what needs to be done nad prioritizes well.						
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner			3-Proficient			
Brief explanation: Officer Hugg takes personal responsibility for his actions and can be trusted to get the job done. His paperwork is done well and on time. Rarely does he have to be reminded to finish a task.						
5. Proficiency at improving work methods and procedures as a means toward greater efficiency						N/A
Brief explanation:						
6. Communicates effectively with supervisor, peers, and customers		4-Highly Effecti				
Brief explanation: Officer Hugg is above the curve in this area. Very good communicator. He shows confidence when speaking with the public and always is good with his fellow officers and supervisors. He asks great questions and lets us know whats going on.						
7. Ability to work independently			3-Proficient			
Brief explanation: Officer Hugg is very good at self initiating and seems to enjoy it. He does this with little supervision.						

City of Minot

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		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 4- Highly Effect

Brief explanation: Officer Hugg is a wonderful team player. He is always there to assist other officers and share responsibilities. He is easy to supervise and is very well liked by the shift. He has a very good attitude and work ethic. He is headed down a very good path.

9. Willingness to take on additional responsibilities — 3- Proficient

Brief explanation: Officer Hugg will be ready to take on extra duties within the new year.

10. Reliability (attendance, punctuality, meeting deadlines) — 3- Proficient

Brief explanation: Very Reliable.

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 3- Proficient

Brief explanation: Officer Hugg's judgment is constantly improving. He thinks well on his feet and sees the big picture in many situations.

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation:

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 3-Proficient

Brief explanation: Officer Hugg has improved his officer safety in 2019. He is more cautious.

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City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
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1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. N/A

Brief explanation:

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. N/A

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. N/A

Brief explanation:

17. Delegates responsibility where appropriate, based on the employee's ability and potential. N/A

Brief explanation:

18. Takes timely and appropriate corrective/disciplinary action with employees. N/A

Brief explanation:

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. N/A

Brief explanation:

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City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Officer Hugg has a great work ethic and attitude, he is intelligent and passionate about the job. This makes him a very effective officer. He cares about his performance and the people he works with and for. All together a huge asset for the department

2. List aspects of employee's performance that require improvement for greater effectiveness.

Officer Hugg needs to show some more patience with the real rowdy or belligerent customers. This will come with time.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Officer Hugg is ready to take lead on more complicated type calls. Some verbal judo or interview/interrogation classes could help.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Would like to see Officer Hugg find and interest for future extra duties. Would like to see him continue to hone his skills and be the well rounded officer that he is already becoming. Would like to see Officer Hugg work on patience.

5. List the employee's development goals for the coming year:

Will help Officer Hugg find something he wants to specialize in for the future. Try and get Officer Hugg to some schools for interview and interrogation or verbal judo type classes.

This annual performance review will become part of your City of Minot personnel file.
Please sign below to acknowledge that you have received this document.

Employee Signature:	Date:
[signature]	11/21/19
Supervisor Signature	**Date:**
[signature]	11/21/19

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City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

City of Minot

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Department Head Review

Department Head Comments & Recommendations:

☐ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Department Head Approval

Date:

Human Resource Director Review

Comments:

Human Resource Director Approval:

Date:

City of Minot

Employee's Name: Hugg, Anthony
Title: Officer
Department: Police
Review Period: January- December 2020

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

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1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
1. Skill and proficiency in carrying out assignments			3-Proficient			
Brief explanation: Officer Hugg is very reliable in carrying out assigned duties.						
2. Possesses skills and knowledge to perform the job competently		4-Highly Effecti				
Brief explanation: Officer Hugg has progressed very well in this last year. He is very well rounded and handles most any type of call with little or no trouble. Officer Hugg is a fast learner and he strives to do his job well.						
3. Skill at planning, organizing and prioritizing workload			3-Proficient			
Brief explanation: Officer Hugg has stayed steady in this area.						
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner			3-Proficient			
Brief explanation: Officer Hugg holds himself to a high standard and often reaches out to point out a mistake he felt he made. He takes responsibility for his actions. His paperwork is generally error free and on time.						
5. Proficiency at improving work methods and procedures as a means toward greater efficiency			3-Proficient			
Brief explanation:						
6. Communicates effectively with supervisor, peers, and customers			3-Proficient			
Brief explanation: Officer Hugg is an excellent communicator. He talks well with the public, his peers and supervisors. Officer Hugg takes great care in talking with victims and shows empathy when needed. Although in high stress situations, Officer Hugg has used fowl language when dealing with suspects. He has taken measures to correct this problem.						
7. Ability to work independently			3-Proficient			
Brief explanation: Officer Hugg has no problems working independently. He has the skills and knowledge to do this effectively.						

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 4- Highly Effect

Brief explanation: Officer Hugg is easy to supervise. He communicates well and keeps supervision aware of whats going on. Officer Hugg is a well liked teammate. He always is helping out and is willing to take his share of the calls and paperwork.

9. Willingness to take on additional responsibilities — 3- Proficient

Brief explanation: Officer Hugg will take any task assigned and do his best with it.

10. Reliability (attendance, punctuality, meeting deadlines) — 3- Proficient

Brief explanation: Very reliable.

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 4- Highly Effect

Brief explanation: Officer Huggs knowledge of the job has greatly increased over this last year. He is gaining confidence all the time and it shows in his performance. Officer Hugg can be trusted to make good decisions and again is a well rounded officer.

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation:

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 3-Proficient

Brief explanation:

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
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1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. N/A

Brief explanation:

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. N/A

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. N/A

Brief explanation:

17. Delegates responsibility where appropriate, based on the employee's ability and potential. N/A

Brief explanation:

18. Takes timely and appropriate corrective/disciplinary action with employees. N/A

Brief explanation:

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. N/A

Brief explanation:

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Officer Hugg is a very intelligent officer. His willingness to learn and ability to adapt are his greatest strengths. He has a knack for police work and has a positive attitude. He is a team player willing to go the extra mile for his team.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Officer Hugg seems to have a short fuse in some instances. He lets himself get a little carried away with fowl language which could effect him negatively in the future if he doesn't get a handle on it. I believe Officer Hugg will find a solution to this problem.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Officer Hugg will have the opportunity to take on a mentoring role in this new year with all of the young officers on shift. I believe Officer Hugg will rise to the challenge. I t would benefit him to get to a street survival school or verbal judo course. Would also like to see Officer Hugg get MOI, I believe he has what it takes to be an FTO in the future.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Would like to see Officer Hugg take on a little more traffic enforcement. Would be good for Officer Hugg to continue to try and find a specialty team to be on.

5. List the employee's development goals for the coming year:

Getting Officer Hugg to some schools would be beneficial in this new year. Help him find a specialty he is interested in and focus on attaining that.

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Employee Signature: Date: 11/21/20

Supervisor Signature Date: 11-21-20

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

☑ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Department Head Approval

Date: 11/25/2020

Human Resource Director Review

Comments:

Lisa Jundt

Human Resource Director Approval:

Date:

City of Minot

Employee's Name: Anthony Hugg

Title: Police Officer

Department: Police Department

Review Period: January - December 2021

Employee Performance Evaluation

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Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

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N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable

1. Skill and proficiency in carrying out assignments — 3-Proficient

   Brief explanation: Officer Hugg is an intelligent officer who is proficient in numerous aspects of the job. He is able to take on assignments with reliablity and sensibility. Officer Hugg will treat every assgnment he is given the same and do his best no matter what it may be.

2. Possesses skills and knowledge to perform the job competently — 3-Proficient

   Brief explanation: Officer Hugg shows competency in a wide variety of situations. He is equally adept at calls and traffic. He is well read and understands what he can and can't do. Well rounded is the best way to desribe Officer Hugg.

3. Skill at planning, organizing and prioritizing workload — 3-Proficient

   Brief explanation: Officer Hugg is very organized and takes his work very seriously. Hugg stays on top of his paperwork and is good at getting the things done he needs to first before taking on more. He is also good at triage and will bounce to the more serious calls when needed. Hugg will also send newer officers off his call to another when he feels its neccessary.

4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner — 3-Proficient

   Brief explanation: Officer Hugg takes personal responsibility for his actions and can be trusted to get the job done. His paperwork is done on time. Rarely does he have to be reminded to finish a task.

5. Proficiency at improving work methods and procedures as a means toward greater efficiency — 4-Highly Effe

   Brief explanation: Officer Hugg is thinking about ways to improve work methods and procedures. As an expample, within the past year Officer Hugg, along with Officer Reis proposed a system for having assigned vehicles for each officer. This was to increase officer accountability for vehicles and equipment.

6. Communicates effectively with supervisor, peers, and customers — 3-Proficient

   Brief explanation: Officer Hugg has no issues coming to his shift sergeants with anything. He is good at speaking to his peers and about any issues that might come up., He deals fwth the public well and has a very calm demeanor when dealing with victims or witnesses.

7. Ability to work independently — 3-Proficient

   Brief explanation: Officer Hugg has no issues with finding work. He will do traffic, search out warrants or stolen vehicles. Officer Hugg will take the initiative and get together with an officer or two and find a project suspect for the shift. Hugg needs little supervision in these cases.

City of Minot

		6_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 2- Needs Imp

Brief explanation: Officer Hugg works well with his shift sergeants and other night shift officers. Officer Hugg needs to remember that night shift is part of a larger team and needs to improve demeanor towards administration and other personnel outside of patrol. The total team effort includes all apects of the department as a whole.

9. Willingness to take on additional responsibilities — 3- Proficient

Brief explanation: Officer Hugg has shown interest in specialty teams and should continue to pursue that interest. Officer Hugg has also recently completed a firearms instructor course.

10. Reliability (attendance, punctuality, meeting deadlines) — 4- Highly Effe

Brief explanation: Officer Hugg is as reliable as they come. He is on time ready to work. Hugg has his work done at the end of shift.. If he is given a timeline, he gets it done early.

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 3- Proficient

Brief explanation: Officer Hugg is very good at problem solving. He use all resources at his disposal and analyzes the facts in front of him to make tought decisions. His judgement can be trusted and he has proven that time and time again.

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation: Officer Hugg has no problems in this area.

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 3-Proficient

Brief explanation: Officer Hugg shows very sound oficer saftey habits and watches the habits of others to ensure they are being as safe as they can be also.

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
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N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. N/A

Brief explanation:

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. N/A

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. N/A

Brief explanation:

17. Delegates responsibility where appropriate, based on the employee's ability and potential. N/A

Brief explanation:

18. Takes timely and appropriate corrective/disciplinary action with employees. N/A

Brief explanation:

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. N/A

Brief explanation:

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Offier Hugg best attribute is that he is very well rounded. He shows a high level of performance when dealing with situations in the field. He is as comfortable with traffic as he is with calls. Officer Hugg has matured a lot in 2021. Officer Hugg is very smart and uses that to his advantage. Officer Hugg cares about his performance and wants to be the best at the things he does.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Though Officer Hugg is good at interacting with victims and witnesses he needs to continue to work at staying calm when dealing with uncooperative subjects. Officer Hugg needs to communicate more effectively with supervision when something is bothering him. Self initiated activity needs to improve and Officer Hugg's report writting could use refinement. Grammar, spelling and sentence structure needs to be concentrated on more.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Officer Hugg should consider becoming a field training officer. Officer Hugg has completed the Methods of Instruction course and should now begin looking to attend one of the field training officer courses.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

-Officer Hugg should continue to step up and fill the role as an informal leader on night shift.
-Self initiated field activity needs to increase as well as more attention to detail on paperwork.
-Attitude towards other parts of the department needs to improve. Do not look at night shift as the team, the organization is the team and night shift is only a part of that team.

5. List the employee's development goals for the coming year:

Officer Hugg should apply for trainings that interest him and will benefit the department. Officer Hugg should continue to pursue his goal of becoming part of a specialty team. Officer Hugg should also pursue becoming a field training officer in the next year.

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Please sign below to acknowledge that you have received this document.

Employee Signature: Date:

Supervisor Signature Date:

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

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a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

☐ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Department Head Approval	Date:

Human Resource Director Review

Comments:

Human Resource Director Approval:	Date:

City of Minot

Employee's Name: Anthony Hugg

Title: Police Officer, Senior

Department: Police

Review Period: January- December 2022

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
1. Skill and proficiency in carrying out assignments			3-Proficient			
Brief explanation: Sr. Officer Hugg is a competent officer. He makes sure tasks are completed throughly. Generally, his paperwork is completed without major errors.						
2. Possesses skills and knowledge to perform the job competently			3-Proficient			
Brief explanation: Sr, Officer Hugg demonstrated an extensive knowledge of criminal law and department policy and procedure.						
3. Skill at planning, organizing and prioritizing workload			3-Proficient			
Brief explanation: Sr. Officer Hugg frequently completed his appropriate case work accurately and in a timely manner.						
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner		4-Highly Effecti				
Brief explanation: Sr. Officer Hugg consistently held himself accountable for shortcomings and has a system that works for him. He also provides those skills to trainees to be able to complete their tasks in a timely manner.						
5. Proficiency at improving work methods and procedures as a means toward greater efficiency			3-Proficient			
Brief explanation: Sr. Officer Hugg did not require direct input for the order in which tasks needed to be completed. Rarely, paperwork was not completed on time or forgotten about.						
6. Communicates effectively with supervisor, peers, and customers			3-Proficient			
Brief explanation: Sr. Officer Hugg has a calm and effective demeanor during interactions with supervisors, peers, and citizens, regardless of the stress level of situation.						
7. Ability to work independently			3-Proficient			
Brief explanation: Sr, Officer Hugg requires little direct oversight to handle most calls for service and situations. Needs to increase self-initiated activity.						

City of Minot

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position.

5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable

8. Ability to work cooperatively with supervision or as part of a team — 3- Proficient

Brief explanation: Sr. Officer Hugg excelled as an effective member of the Department Team. A new assignment to other shifts or division will enhance his and the department capabilities.

9. Willingness to take on additional responsibilities — 4- Highly Effe

Brief explanation: Sr. Officer Hugg is a member of the SWAT team, FTO, and a weapons instructor along with being a gun armor.

10. Reliability (attendance, punctuality, meeting deadlines) — 3- Proficient

Brief explanation: Sr. Officer Hugg has not been late or absent without prior notification.

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 4- Highly Effect

Brief explanation: Sr. Officer Hugg has demonstrated good judgment and does not rush making decisions, considered as many known facts as possible prior to taking enforcement action.

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation: Sr. Officer Hugg maintained proper accountability of his individual and Department equipment. As a Field Training Officer, he also ensured his trainees were properly equipped and learned proper procedures for the handling of issued equipment.

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 4- Highly Effect

Brief explanation: Sr. Officer Hugg ensured he and other officer followed proper safety procedures. Sr. Officer Hugg ensured that both himself and trainees followed proper safety procedures, resulting in no reported injury to himself or trainees.

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. N/A

Brief explanation:

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. N/A

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. N/A

Brief explanation:

17. Delegates responsibility where appropriate, based on the employee's ability and potential. N/A

Brief explanation:

18. Takes timely and appropriate corrective/disciplinary action with employees. N/A

Brief explanation:

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. N/A

Brief explanation:

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Sr.Officer Hugg excels speaking with people in need of service, especially showing compassion for both victims and suspects.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Sr. Officer Hugg needs to demonstrate an effort to increase his individual self-initiated workload in order to stand out as an individual performer in addition to his excelling with teamwork.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Sr. Officer Hugg should focus on his current additional assignments listed in category 9.

Sr. Officer Hugg should focus on preparing himself for testing for Master Officer.

Sr. Officer Hugg should also consider some entry level supervisor training to give himself an opportunity to transition to a supervisor role in the future, along with some investigations related trainings.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Increase self-initiated individual activity.

Maintain a safe working environment, avoiding preventable injury for himself and trainees.

Attend and successfully complete FTO training if not already completed by the end of the year..

5. List the employee's development goals for the coming year:

Read, understand, and apply the roles and responsibilities as a Sr. Officer as he transitions to a Master Officer in 2023.

Officer Hugg has shown some interest in being assigned to investigation and/or a different shift assignment.

This annual performance review will become part of your City of Minot personnel file. Please sign below to acknowledge that you have received this document.

Employee Signature: Date:

Supervisor Signature: Date:

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

☐ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Department Head Approval

Date:

Human Resource Director Review

Comments:

Human Resource Director Approval:

Date:

J Barbuto

POST Board Hearing – Shannon Lackey (21-005) 2:10 p.m.

The ND POST Board received a voluntary termination from Minot PD on February 27, 2021, stating that Shannon Lackey resigned upon the initiation of an internal investigation following an off-duty incident on February 26, 2021.

On February 26, 2021, Lackey arrived at the Bootlegrz Bar in Minot, ND, intoxicated and was involved in a physical altercation with another female at the bar along with a male individual who tried to step in.

Video obtained from the bar shows Lackey punch a female on the back between the shoulder blades three times and then Lackey puts her arm around the head of the female pulling it into lackey's body. During that altercation, a male individual was kicked in the groin by Lackey. Another male individual tried to intervene as he knew Lackey. At that point, Lackey slapped his phone out of his hand causing damage to the phone. None of the victims wanted to press charges against Lackey.

Chairman Haugen opened the hearing and read an opening statement. Lackey was present and was sworn in by the Chair.

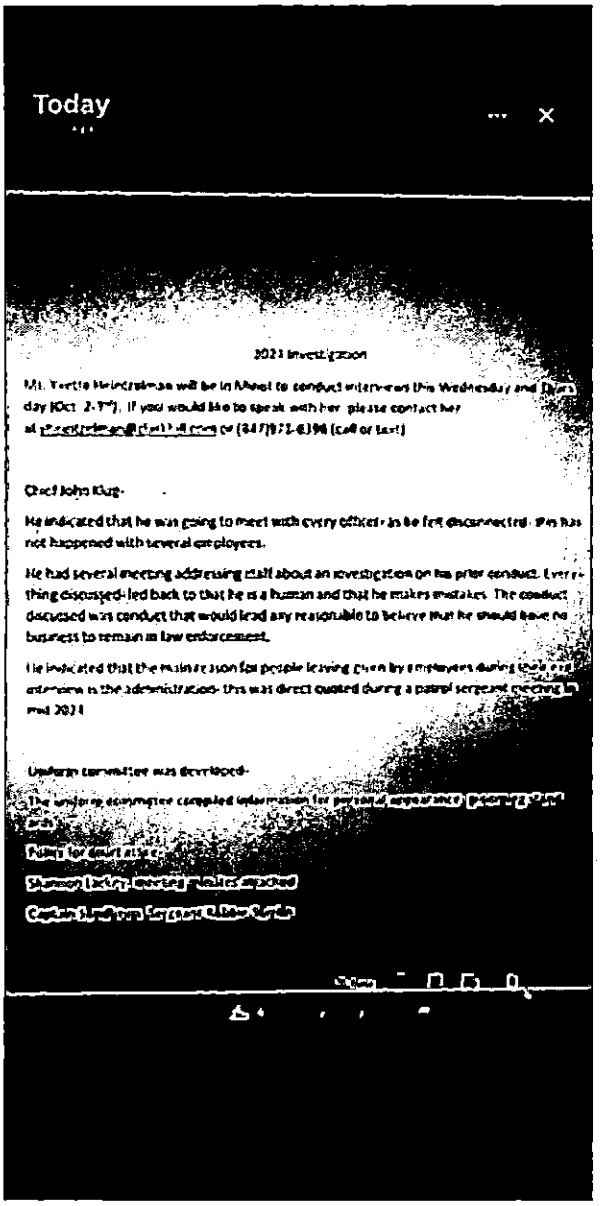
Lackey provided testimony and answered questions from board members.

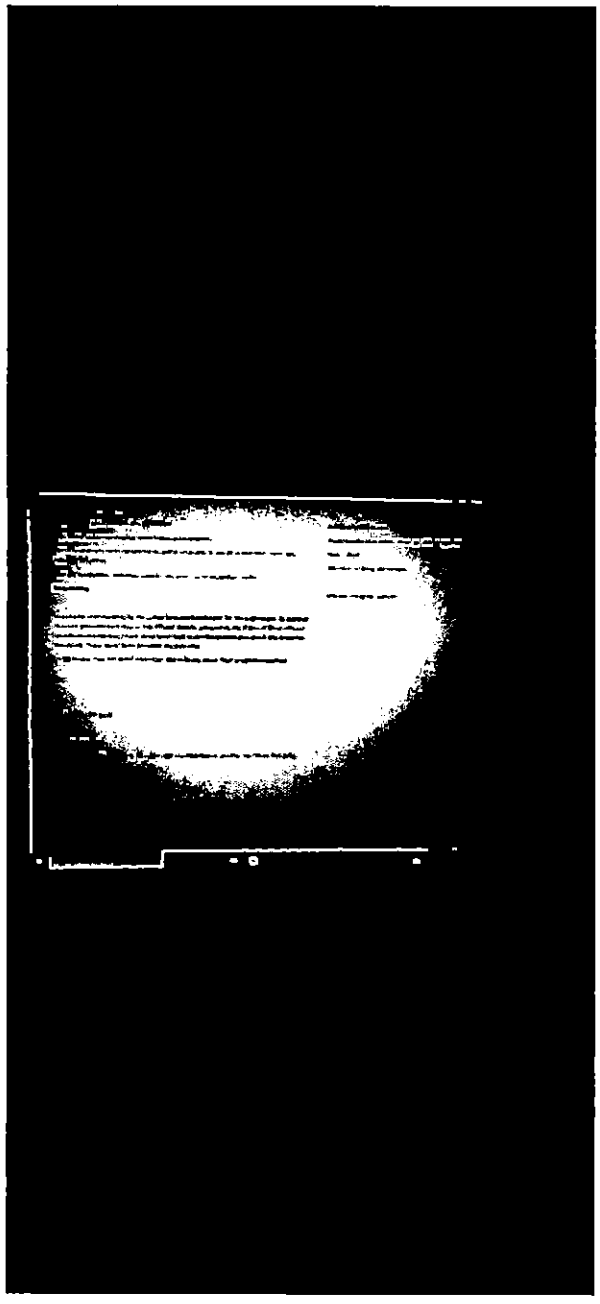
Motion

Jesse Jahner made a motion that Shannon Lackey did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4c) and that Lackey's conduct has a direct bearing on her ability to perform peace officer duties. Paul Lies seconded the motion. Erik Dietrich, Dan Haugen, Jason Ziegler, Lyn James and Tom Falck voted no. Joe Cianni, Jesse Jahner and Paul Lies voted yes. John Klug abstained. The motion did not carry due to a 5-3 vote.

Dan Haugen relinquished the chairman position back to John Klug.

Once again Stanley tried to determine if John Pagano was on the meeting through Teams or call-in. There was no response. After discussion with the Board and legal counsel, a decision was made to proceed with the hearing.


Today
2021 Investigation
Chief John Klug-



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City of Minot

Employee's Name: Cameon Eisenzimmer 4K

Title: Intel Analyst

Department: Minot Police Department

Review Period: January- December 2022

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable

1. Skill and proficiency in carrying out assignments — 3-Proficient

   Brief explanation: Cameon generally is able to perform what is asked of her. She is new to this position and is still learning.

2. Possesses skills and knowledge to perform the job competently — 2- Needs Imp

   Brief explanation: Cameon is still new to this position. Cameon is progressing but needs to keep focusing on learning and evolving this position. Cameon needs to keep pushing towards the goal she has for herself and the position even if they can sometimes get stalled.

3. Skill at planning, organizing and prioritizing workload — 3-Proficient

   Brief explanation:

4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner — 3-Proficient

   Brief explanation:

5. Proficiency at improving work methods and procedures as a means toward greater efficiency — 3-Proficient

   Brief explanation: Continue evolve the weekly briefings. Keep pushing on the other Intel Analyst functions such as the intel forum and the stats that the command staff would like to you focus on. Cameon's move to investigations will help her focus on her method and goals

6. Communicates effectively with supervisor, peers, and customers — 2- Needs Imp

   Brief explanation: Cameon needs to improve communication with her supervision. She needs to keep supervision updated on what she is doing. She need to seek out input from her supervisor when she doesn't fully understand something.

7. Ability to work independently — 4-Highly Effe

   Brief explanation: Most of Cameon's job is independent work and she has proven to work effectively on her own accord. Camion would benefit by using the knowledge of others to assist her with what she does not know or understand.

Minot Investigation CH1295

City of Minot

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position.

5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable

8. Ability to work cooperatively with supervision or as part of a team — 3- Proficient

Brief explanation: Cameon is new to the department, as well as the position, and is still working to develop upon her working relationship with others in the department. Cameon has started to develop and should keep fostering relationships with other Intel Analysts around the state. Cameon should accept constructive feedback and build from it.

9. Willingness to take on additional responsibilities — 4- Highly Effe

Brief explanation: Cameon has taken on the responsibilities the intel analyst position and uses her prior job skills to help at the PD in other areas such as GSI mapping. Cameon was also tasked with additional social media responsibilities and has volunteered in other areas of the department.

10. Reliability (attendance, punctuality, meeting deadlines) — 3- Proficient

Brief explanation: There have been instances during business hours, where Cameon was unaccounted for and could not be reached by phone. Her supervisor was unaware of appointments or training that she was attending. Since coming to the investigations unit, this area has improved.

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 3- Proficient

Brief explanation: Cameon is developing in this area. One of the most difficult tasks she is faced with is to determine where her area of responsibility ends and someone else's begins. She should seek her supervisors guidance when this is questionable.

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation:

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 3-Proficient

Brief explanation:

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
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N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. N/A

Brief explanation:

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. N/A

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. N/A

Brief explanation:

17. Delegates responsibility where appropriate, based on the employee's ability and potential. N/A

Brief explanation:

18. Takes timely and appropriate corrective/disciplinary action with employees. N/A

Brief explanation:

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. N/A

Brief explanation:

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Cameon's prior job knowledge has made her an asset to the department. As long as she keeps building and evolving her intelligence programs, the sky is the limit. Cameon has been creating relationships with the other intel analysts across the state and using their input to help promote and grow what works best for her at the Minot PD.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Communication to her supervision is an aspect that needs improvement. Providing a clear supervision structure and Cameon's move to investigations should help with this issue. Cameon should build her position with the assistance of constructive feedback from her supervision. This type of feedback is designed to improve performance and operations but can often require great introspection. It is important to avoid passive aggressive responses to this feedback as it will hamper healthy communication and development. Cameon will need to build relationships with officers and investigators to establish a trust relationship that will result in optimal collaboration.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Cameon will have increased responsibility in almost all of the programs as she is developing and evolving throughout the intel analyst position. She will also have increased responsibility during the implementation of the bulletin board system. This increased responsibility is necessary, but Cameon must be mindful of the limitations of her duties and understand the importance of relying on others to implement and put to use the intelligence that is gathered.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Keep on top of the programs that have already been established so they do not fail and continue to establish new programs for the intel analyst position. Make sure your supervision knows where you are and what you are doing.
Developing and launching the bulletin board / forum for patrol.

5. List the employee's development goals for the coming year:

Continue IALEIA certification, keep attending on-line webinars, and look outside the box on new and exciting things for the intel analyst position. Maintain and foster the relationships you have created with other intel analysts throughout the state and use their knowledge to help you in your role at the Minot Police Department. Look outside the state, to other states or possibly federal agencies to see what types of programs and trainings they use, then use that knowledge to expand your intel position at the Minot Police Department.

This annual performance review will become part of your City of Minot personnel file.
Please sign below to acknowledge that you have received this document.

Employee Signature:	Date:
Cameon Sorenson	12/6/2022
Supervisor Signature:	**Date:**
[signature]	12/6/2022

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

This is a new division and management style compared to the previous year. Instead of Councilling me about everything I need to do different, Council on how to incorporate those items instead of several massive, overall changes.

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

Cameon was reassigned from Administration to Investigations. I think the guidance provided by Capt. Plessas will help advance Cameon and the analyst r/c.

- [x] Approve Next Step Increase
- [ ] Deny Step Increase
- [ ] Hold Next Step Increase

Department Head Approval

Date: 12/6/2022

Human Resource Director Review

Comments:

Human Resource Director Approval: Lisa Jundt

Date: 02-28-23

City of Minot

Employee's Name: Cameon Eisenzimmer
Title: Intelligence Analyst
Department: Minot Police Department
Review Period: Jan - Dec 2021

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

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1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
1. Skill and proficiency in carrying out assignments			3-Proficient			
Brief explanation:						
2. Possesses skills and knowledge to perform the job competently				2- Needs Imp		
Brief explanation: Cameon is still new to this position and this postiion is completely new. Cameon is progressing nicely but needs to keep focusing on learning and evolving this position.						
3. Skill at planning, organizing and prioritizing workload			3-Proficient			
Brief explanation:						
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner			3-Proficient			
Brief explanation:						
5. Proficiency at improving work methods and procedures as a means toward greater efficiency			3-Proficient			
Brief explanation: Continue to do and evolve the weekly briefings. Keep pushing on the other Intel Analyst functions such as the intel fourm and the stats that the command staff would like to you focus on.						
6. Communicates effectively with supervisor, peers, and customers				2- Needs Imp		
Brief explanation: Cameon needs to improve on updating her supervision on where and what she is doing. Other than that her communication with other department members seems to be very positive.						
7. Ability to work independently		4-Highly Effe				
Brief explanation: Most of Cameon's job is indepentant work and she has proven to work very effectivly indepentant.						

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
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2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 3- Proficient

Brief explanation: Cameon is new to the department, as well as the position, but so far has had a good working relationship with everyone in different areas of the department.

9. Willingness to take on additional responsibilities — 4- Highly Effe

Brief explanation: Cameon has taken on all of the responsibilities the intel analyst position has to offer so far as well as used to prior job skills to help at the PD in other areas.

10. Reliability (attendance, punctuality, meeting deadlines) — 3- Proficient

Brief explanation:

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 3- Proficient

Brief explanation:

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation:

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 3-Proficient

Brief explanation:

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
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N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. N/A

Brief explanation:

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. N/A

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. N/A

Brief explanation:

17. Delegates responsibility where appropriate, based on the employee's ability and potential. N/A

Brief explanation:

18. Takes timely and appropriate corrective/disciplinary action with employees. N/A

Brief explanation:

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. N/A

Brief explanation:

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Cameon's proior job knowledge has mede her an asset. As long as she keeps building and evolving her intelligence programs I think the skyis the limit.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Communication to her supervision and just general job knowledge. Keep learning!

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Cameon will be having increased responsibility in almost all of the programs she is creating and evolving throughout the intel analyst position. She has also been provided increased responsibility with the departments social media platforms.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Keep on top of the programs that have already been established so theydo not fail and continue to establish new programs for the intel analyst position!

5. List the employee's development goals for the coming year:

Continue IALEIA certification, keep attending online webinars, and look outside the box on new and exciting things for the intel analyst position.

This annual performance review will become part of your City of Minot personnel file.
Please sign below to acknowledge that you have received this document.

Employee Signature:	Date:
Cameon Esmunson	11/24/21
Supervisor Signature	**Date:**
3x/7517	11-24-21

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

I intend to personally meet w/ Cancon to ensure she has the necessary resources available to effectively perform her assigned duties.

- [x] Approve Next Step Increase
- [ ] Deny Step Increase
- [ ] Hold Next Step Increase

Department Head Approval

Date: 11/29/21

Human Resource Director Review

Comments:

Human Resource Director Approval: Lisa Jundt

Date:

City of Minot

Employee's Name: Cameon Eisenzimmer
Title: Intelligence Analyst
Department: Minot Police Department
Review Period: Yearly 2022 Permanent Appt Eval

Employee Performance Evaluation

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Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

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1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

1.	Skill and proficiency in carrying out assignments *Brief explanation:*	3-Proficient
2.	Possesses skills and knowledge to perform the job competently *Brief explanation:* Cameon is taking it upon herself to do what she can in a new position. She has been taking on new projects and lots of training. This area has improved since her last review.	3-Proficient
3.	Skill at planning, organizing and prioritizing workload *Brief explanation:*	3-Proficient
4.	Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner *Brief explanation:* Cameon has many different tasks that come from many different people at the department. But in spite of that she is able to see work that is assigned to her through in a very timely manner.	4-Highly Effe
5.	Proficiency at improving work methods and procedures as a means toward greater efficiency *Brief explanation:* Continue to do and evolve the weekly briefings. Keep pushing on the other Intel Analyst functions such as the intel fourm and the stats that the command staff would like to you focus on.	3-Proficient
6.	Communicates effectively with supervisor, peers, and customers *Brief explanation:* Cameon needs to improve on updating her supervision on where and what she is doing. Other than that her communication with other department members seems to be very positive. This has impoved but is still an issue. Work can still be done.	2- Needs Imp
7.	Ability to work independently *Brief explanation:* Most of Cameon's job is indepentant work and she has proven to work very effectivly indepentant.	4-Highly Effe

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 3- Proficient

Brief explanation: Cameon has always been receptive to feedback. Cameon is even looking for more responsibilities and hopefully as the job itself evolves those responsibilities will become more clear.

9. Willingness to take on additional responsibilities — 4- Highly Effe

Brief explanation: Cameon has taken on all of the responsibilities the intel analyst position has to offer and has even inquired about more as already stated.

10. Reliability (attendance, punctuality, meeting deadlines) — 3- Proficient

Brief explanation:

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 3- Proficient

Brief explanation:

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation:

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 3-Proficient

Brief explanation:

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. N/A

Brief explanation:

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. N/A

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. N/A

Brief explanation:

17. Delegates responsibility where appropriate, based on the employee's ability and potential. N/A

Brief explanation:

18. Takes timely and appropriate corrective/disciplinary action with employees. N/A

Brief explanation:

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. N/A

Brief explanation:

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Cameon's prior job knowledge has mede her an asset. As long as she keeps building and evolving her intelligence programs I think the sky is the limit. Now that Cameon has attended more trainings and has a better grasp on the functions of the job I believe she is ready for more responsibility. I would recommend Cameon be removed from her one year probationary period.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Communication to her supervision. This has been addressed with Cameon.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Cameon will be having increased responsibility in almost all of the programs she is creating and evolving throughout the intel analyst position. She has also been provided increased responsibility with the departments social media platforms.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Keep on top of the programs that have already been established so they do not fail and continue to establish new programs for the intel analyst position!

5. List the employee's development goals for the coming year:

Training, training, training. Look at taking another trip around the state now that the job is more established.

This annual performance review will become part of your City of Minot personnel file. Please sign below to acknowledge that you have received this document.

Employee Signature: Cameon Espinosa Date: 6/6/2022

Supervisor Signature: Date: 6-6-22

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

   a.) The City:

   b.) Your Department:

   c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

Request permanent appointment to her position.

- [x] Approve Next Step Increase
- [ ] Deny Step Increase
- [ ] Hold Next Step Increase

Department Head Approval

Date: 6/6/2022

Human Resource Director Review

Comments:

Lisa Jundt

Human Resource Director Approval:

Date:

City of Minot

CIVIL SERVICE COMMISSION

Employee Appointment / Promotional Change Form

Employee: Cameon Eisenzimmer #821 **Change Type:** Permanent Appointment

Department: Police Department **Effective Date:** 05/22/2022

POSITION/WAGE

	CURRENT *(if applicable)*	NEW
Position:	Intelligence Analyst	Intelligence Analyst
Hours/Year:	2080	2080
Range:	50	50
Step:	5	7
Hourly Rate:	23.13	24.30
Annual Rate:	48110.4	50544
Shift:		Differential: 0

SIGNATURES

Comments: Meets all requirements for permanent appointment to the position.

Department Head: Chief John Klug (Jun 6, 2022 10:17 CDT)

✓ **This applicant has been approved and hereby certified eligible for provisional appointment to the civil service position listed above.**

The probationary period for new employees is twelve (12) months, with possible extension not to exceed eighteen (18) months, based upon performance.

Clerk of Commission / HR Director Lisa Jundt (Jun 6, 2022 10:20 CDT)

✓ **I make the above appointment / change effective as requested.**

City Manager: Harold L Stewart II (Jun 6, 2022 10:26 CDT)

HR USE Only
System: ✓
Unum Portal: ✓
Finance Adj: ✓
Review(s): ✓

05.22.2022 Eisenzimmer - PA

Final Audit Report 2022-06-06

Created:	2022-06-06
By:	Monica Porterfield (monica.porterfield@minotnd.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAr0Tz7UEMbPy2kS2aFTY-km1R91-EJQRI

"05.22.2022 Eisenzimmer - PA" History

Document created by Monica Porterfield (monica.porterfield@minotnd.org)
2022-06-06 - 2:24:14 PM GMT- IP address: 165.234.40.254

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2022-06-06 - 2:24:31 PM GMT

Email viewed by Chief John Klug (john.klug@minotnd.org)
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Signature Date: 2022-06-06 - 3:17:42 PM GMT - Time Source: server- IP address: 165.234.40.254- Signature captured from device with phone number XXXXXXX8742

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Document e-signed by Harold L Stewart II (harold.stewart@minotnd.org)
Signature Date: 2022-06-06 - 3:26:38 PM GMT - Time Source: server- IP address: 165.234.40.254

Agreement completed.
2022-06-06 - 3:26:38 PM GMT

Adobe Acrobat Sign

City of Minot

Comp Time Agreement

I have fully read and understand the provisions of the City of Minot PD Department Comp time Policy, and do hereby agree to them. I do further declare that I understand that the Comp Time Policy is a condition of my employment and that I have the right to use, preserve, or cash out any comp time earned consistent with the 1985 Amendments to the Fair Labor Standards Act.

Signature

5/24/2021

Date

City of Minot

EMPLOYEE HANDBOOK ACKNOWLEDGMENT FORM

This employee handbook describes in general terms the City of Minot employment policies, procedures and benefits. In all instances the official benefit plan documents, City of Minot Code of Ordinances and Civil Service regulations serve as the governing documents. Your employee handbook is not to be interpreted as a legal document or an employment contract. Employment with the City of Minot is at the sole discretion of the City of Minot and may be terminated pursuant to Section 24-47 of the City of Minot Code of Ordinances. Nothing in this handbook constitutes an express or implied contract or assurance of continued employment.

The undersigned has received a copy of the handbook and understands the contents of the handbook, including the above paragraph.

Employee Signature

5/24/2021
Date

City of Minot

SAFETY HANDBOOK ACKNOWLEDGMENT FORM

I have received a copy of the City of Minot Employee Safety Manual and agree to adhere to the safety guidelines as outlined.

Signature

5/24/2021
Date

INTELLIGENCE ANALYST

FLSA STATUS: Non Exempt

NATURE OF WORK

The Intelligence Analyst will evaluate intelligence reports, applying a broader framework of knowledge and expertise to understand and provide guidance regarding potential and emerging security threats. The Intelligence Analyst will gather and analyze operations data for the department, supporting department leadership in making informed and objective operational and policy decisions. The work is performed under the direct supervision of a sergeant and is an entry level position with the department.

ESSENTIAL FUNCTIONS OF WORK (May not include all the duties performed.)

- Collects and reviews intelligence reports from officers.
- Collects and evaluates information from a variety of sources.
- Verifies the reliability and validity of information.
- Identifies persons and events of interest in reports; assesses newly acquired knowledge in connection with the broader context of the area and/or people involved.
- Prepares a comprehensive report of all information including maps, charts, and analysis and research used.
- Conducts extensive and comprehensive research, initiating and performing both independent and coordinated research.
- Reviews and analyzes communication records such as telephone calls or internet activity to understand the activities and scope of assigned target enterprises and members.
- Creates charts, trees, and other visual aids to understand and demonstrate relationships, hierarchies, and flow of money in organizations.
- Establishes, develops, and maintains intelligence records and files.
- Develops, maintains, and uses databases and software applications for research and analysis.
- Makes predictions about and recommendations to prevent future criminal activities based on threats and events.
- Collaborates with department leaders to understand management vision and objectives and to identify relevant data and metrics to support operations.
- Drafts and implements time and cost formulas to plan, control, and review large projects and events.
- Based on data analysis, creates, develops, and assists with implementation of agency policies and procedures.
- Prepares and distributes reports that identify, explain, and evaluate problems and available solutions.
- Monitors and assists with engaging public with department social media sites.
- Performs other related duties as assigned.

)

REQUIREMENTS OF WORK

- Superior analytical and problem-solving skills.
- Thorough understanding of various analysis tools including databases, imagery analysis, and other automated tools.
- Excellent organizational skills and attention to details.
- Excellent verbal and written communication skills.
- Strong research and computer skills.
- Ability to present reports with clarity.
- Proficient in Microsoft Office Suite or related software.
- Ability to maintain high level of confidentiality concerning all data and intelligence findings.
- Ability to work varying hours and shifts, overtime, and be available for callback.

INTELLIGENCE ANALYST (continued)

- Ability to establish and maintain effective working relationships with other employees, public safety agencies, and public.
- Ability to type at a rate of 30 words per minute.
- Ability to work prolonged periods of sitting at a desk and working on a computer.

DESIRED MINIMUM TRAINING AND EXPERIENCE

Possession of a bachelor's degree with major coursework in statistical analysis, quantitative and qualitative methods, statistical research, computer science, information systems, mathematics, criminal justice, psychology, or related field preferred; or any equivalent combination of education, training and experience in the preferred areas of study.

PHYSICAL REQUIREMENTS

While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to sit, stand; walk; use hands to finger, handle or feel; and reach with hands and arms. The employee is occasionally required to climb or balance; and stoop, kneel, crouch or crawl. The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and ability to adjust focus.

CAMEON EISENZIMMER
Cameon Eisenzimmer
5/24/2021

City of Minot

EEO-4 Survey

Due to federal regulation, the City of Minot is required to survey its workforce for demographic information.

1. Position INTELLIGENCE ANALYST

2. Department POLICE DEPARTMENT

_____ I do not wish to complete this form.

3. Sex:

_____Male

__X__Female

4. Race/Ethnicity:

__X__White

_____Hispanic or Latino

_____Black or African American

_____American Indian or Alaska Native

_____ Asian

_____ Native Hawaiian or Other Pacific Islander

_____ Two or more races

City of Minot

EMERGENCY CONTACT INFORMATION FORM

This information will be important in the event of an accident or medical emergency.

Please be sure to sign and date this form.

Employee Name: EISENZIMMER (Last) CAMEON (First) F (MI)

Phone:
Home: _____ **Cell:** [redacted]

Address: [redacted]

Primary Emergency Contact Name: PEGGY EISENZIMMER
(For HR Internal Use Only)

Relationship: MOTHER

Address: [redacted]
(For HR Internal Use O

Phone:
Home: _____ **Cell:** [redacted]

Secondary Emergency Contact Name: MASON EISENZIMMER
(For HR Internal Use Only)
Relationship: BROTHER

Address: FARGO
(For HR Internal Use Only) Street City State Zip Code

Phone:
Home: _____ **Cell:** [redacted]

Signature: [signature] **Date:** 5/24/2021

City of Minot

CONFLICT OF INTEREST ACKNOWLEDGMENT FORM

This briefing provides initial Conflict of Interest training and applies to anyone who is an employee, agent, consultant, officer, elected/appointed official of the City, or who is part of an affiliate/subsidiary organization to the City. Applicable references are: 2 CFR 200.318 (c) and 24 CFR 570.489 (g)(h) for CDBG funds.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. [2 CFR 200.318(c)(1)] No such person may have any financial interest or benefit, or other interest in a contract, subcontract, or agreement concerning Federally-funded activities or the proceeds from these activities "either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter." [24 CFR 570.489 (h)(2)]

If you, an immediate family member, or someone with whom you have business ties is applying for Federal grant assistance or may have financial gain through Federally-funded grants, contracts or subcontracts, you must notify your supervisor and complete the Conflict of Interest worksheet. Immediate family members are defined as: (1) a spouse or partner; (2) a child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew, or niece, or the spouse of any such person; (3) a person having a step-relationship described in (2) above; (4) a parent-in-law or a brother- or sister-in-law; or (5) any other person who resides in the same household as the trustee, officer, or employee. You should also list anyone else that a "reasonable person" would consider a conflict due to your relationship with that individual.

If at any point during the performance of your duties, you become aware of a situation that would fall under the paragraphs above, it is your duty to immediately report the situation to your supervisor so an assessment can be made. Failure to do so may result in disciplinary action.

Annual refresher training will be provided electronically by the Federal Compliance Officer, who can be reached regarding questions or concerns at (701) 857-1553.

Employee Signature

Date: 5/24/2021

Cameon Eisenzimmer
210 9th Ave SE • Minot, ND 58701 • 701-240-4771 • ceisenzimmer@min.midco.net

March 8, 2021

City of Minot
Human Resources Office
515 2nd Ave SW
Minot, ND 58701

Subject: Intelligence Analyst Position

Dear Brittany Ballantyne,

Please accept the attached resume and application for the position of Intelligence Analyst with the Minot Police Department. I've had the pleasure of working with members of Minot Police Department when I served as a Ward County Reserve Sheriff Deputy. I believe my background in forensic anthropology, experience as GIS Analyst, and extensive involvement in research and data management would serve well in this position.

As a geospatial analyst with concentrations in forensic anthropology and historical research, my credentials provide me with a distinctive range of experience. Daily, I collect and evaluate information from a variety of sources to assist local, state, and federal entities with making informed and objective decisions regarding resources. My research often results in a comprehensive report of all information that identifies, explains, and evaluates potential problems and available solutions.

Prior to returning to North Dakota, I worked in conjunction with the Federal Bureau of Investigation conducting research in forensic science. Parts of this research and analysis is considered Top Secret, which required a high level of confidentiality concerning all data and forensic findings. My background has allowed me the opportunity to work with a variety of law enforcement agencies. I have conducted forensic investigations in Kansas, Virginia, Minnesota, and North Dakota. Some of these activities include crime scene analysis and reconstructions, human remains identification and reconstructions, and coordinating and managing GPS surveys of crime scenes and Civil War sites.

As a Minot native, I have attempted to use my unique expertise to better serve the community. I volunteered as a Ward County Reserve Sheriffs Deputy for 4 years, where I received training in report writing, narcotics, criminal law, search and seizure, rules of evidence, building/area searches, and accident investigations. I routinely volunteered to ride with deputies to assist them with their law enforcement duties. While on Minot AFB, I routinely assisted the 91st Missile Wing with real-time GIS data and potential security threat analysis within the emergency operations center to deter potential dangers against nuclear assets. Based on my experience and strong commitment to our local community, I know I will add significant value to the team.

I look forward to discussing my capabilities in more detail and am available for a personal interview at your convenience. If I can provide you with any further information on my background and qualifications, please let me know. Thank you for your time and consideration.

Very Respectfully,

Cameon Eisenzimmer

Cameon Eisenzimmer

CAMEON EISENZIMMER

FORENSIC ANTHROPOLOGIST/GIS ANALYST

CONTACT

701-240-4771
celsenzimmer@min.midco.net
Minot, ND

EDUCATION

MA Anthropology,
Specialization in Forensics
Wichita State University
2003-2005

BA Anthropology
Minor in Geosciences
Minnesota State University
Moorhead
1999-2003

SKILLS

- Crime trend analysis
- Evidence collection protocols
- Search and seizure procedures
- Imagery analysis
- Predictive analysis
- Compiling extensive data for maps and evaluations
- Qualitative and quantitative research methods
- Statistical research in forensics
- GIS and surveying techniques
- Dale Carnegie Course graduate

PROFILE

I am a professional forensic anthropologist and GIS Analyst with substantial experience in predictive modeling, research and analysis, imagery interpretation, and database management. With more than 15 years experience working and volunteering with various federal, state, and local law enforcement agencies, I have widespread knowledge in conducting extensive and comprehensive research to assist with operational and policy decisions regarding crime analysis. I have a passion for helping communities in need and volunteer with GISCORPS and Team RUBICON to provide GIS services to areas facing disasters, emergencies, and crime analysis. Activities associated with these organizations include crowdsourcing information, data collection/creation, data mining, disaster response, image processing/analysis, open-source data verification, spatial analysis, and spatial data processing and quality control. My unique background in forensic anthropology, GIS analysis, and archaeology allows me to gather and interpret large quantities of data while supplying leadership with quantitative results to make informed decisions.

PROFESSIONAL EXPERIENCE

GIS ANALYST/CULTURAL RESOURCE MANAGER
Ackerman-Estvold | Minot, ND | 2013 - Current

Provide support in mapping, spatial data creation, and advanced analysis. Conduct research in the fields of archaeology, anthropology, history, and forensic anthropology.

- Develop, maintain, and use databases and software applications for research and analysis of archaeological and anthropological sites.
- Prepare comprehensive reports regarding archaeological, historical, and forensic anthropology research and projects for multiple levels of agencies. Information includes maps, charts, analysis, and research used.
- Cultural Resource Manager responsible for establishing and maintaining effective working relationships with employees, outside agencies, and the public.

GIS ANALYST
KLJ | Minot, ND | 2012-2013

Responsible for managing existing and incoming data for reliability and validity of information. Coordinate with departments to implement and improve asset management programs and facilitate smarter and more efficient decision making.

- Manage existing and incoming data for quality and oversee entry of data into a database. Process over 5000 features monthly for an area exceeding 14,000 square miles.
- Evaluate operational data and imagery to provide expertise and guidance regarding potential security risks and public safety hazards.

PROGRAM ANALYST
Department of Defense USAF | Minot AFB, ND | 2010-2012

Serve as central point-of-contact for development and execution of assigned programming and budgeting activities for project and program managers.

- Plan and organize the activities of the Program Development section, ensuring that base projects comply with regulatory requirements and meets customer needs. Over 1200 project files brought into compliance within first year.
- Establish priority list of projects, making recommendations on reprogramming resources, and developing and coordinating program efforts regarding use of resources.
- Created charts, trees, and other visual aids to understand and demonstrate relationships, hierarchies, and flow of money in organizations.

CAMEON EISENZIMMER

FORENSIC ANTHROPOLOGIST/GIS ANALYST

SOFTWARE

- ArcGIS Enterprise
- ESRI Suite
- DJI Drone Applications
- Microsoft Office Suite
- AutoDesk Suite
- Infraworks 360
- Trimble Suite
- Adobe Professional
- Google Sketchup

AWARDS

Cat II Civilian of the Quarter
5th CES Engineer Squadron
2009

PROFESSIONAL EXPERIENCE

GEOBASE ANALYST
Department of Defense | Minot AFB, ND | 2006-2010

Responsible for implementing GeoBase Program at Minot AFB, including coordinating definition, collection, and compilation of imagery and GIS data elements to ensure decision confidence and provide guidance on potential security threats.

- Data steward for an enterprise-wide GIS system of 4,964-acre installation with 1,252 facilities and 168 offsite facilities in a 12,600 square mile operational missile field.
- Ensure web mapping applications provide communications and situational awareness relating to flood inundation maps, hazard maps, tables, analytical results, charts, and graphs to all connected levels of government including cities, counties, state and federal agencies, and various non-governmental agencies with responsibilities in the emergency response.
- Supervise the GIS and mapping within the emergency operations center to provide real-time guidance and support for potential security threats to nuclear assets.

ORISE VISITING SCIENTIST
FBI | Quantico, VA| 2005-2006

Contribute to the advancement of forensic science within the Counterterrorism Forensic Science Research Unit, FBI Laboratory Division. Top Secret Clearance.

- Collect and evaluate forensic information from a variety of sources (federal, state, local law enforcement agencies and Department of Defense organizations)
- Developed and maintained a database for organization and evaluation of research techniques and results.
- Prepared extensive and comprehensive reports regarding forensics and predictive modeling to department leaders.

VOLUNTEER

GISCORPS VOLUNTEER
GISCORPS | Minot, ND | 2011-CURRENT

Provide short-term GIS services to communities in need.

- Assist in crowdsourcing and geolocating photos of damage from natural disasters, data mining to enhance situational awareness for emergency mangers during disasters, analyze imagery to provide government organizations with damage assessments, and mapping crime locations to assist in spatial analysis and predictive modeling.

WARD COUNTY SHERIFF RESERVE DEPTUY
WARD COUNTY SHERIFF'S OFFICE | Minot, ND | 2011-2015

Provided backup manpower to regular deputies in the enforcement of laws and in maintaining peace and order within the county.

- Trained in such areas as defensive tactics, C.P.R., first aid, search and rescue, evidence collection protocols, search and seizure procedures, narcotics, building/area searches, accident investigation, crime scene and chain of evidence.
- Completed psychological examination.
- Donated 8+ hours each month for ride-along with Ward County Sheriff Department and Surrey Police Department.

City of Minot

515 2nd Ave SW, Minot, North Dakota 58701

The City of Minot is an Equal Employment Opportunity Employer.
Applicants are considered for all positions without regard to race, color, religion, gender, national origin, age, marital or veteran status, the presence of a non-job-related medical condition or physical disability, or any other legally protected status.

APPLICATION FOR EMPLOYMENT

(Please Type or Print)

Position(s) Applied For: Intelligence Analyst

Date of Application: 3 / 8 / 2021

Last Name	First Name	Middle Name
Eisenzimmer	Cameon	Frances

[redacted] City: Minot State: ND Zip: 58701

[redacted] or ( ) _____ [redacted]

If under 18 years of age, can you provide required proof of your eligibility to work?. . ☐ Yes ☐ No

Are you prevented from lawfully becoming employed in the country because of Visa or Immigration Status?

Proof of citizenship or immigration status will be required upon employment. ..... ☐ Yes ☐ No

Do any of your friends or relatives work here?..... ☐ Yes ☑ No

Do you have a valid Driver License?..... ☑ Yes ☐ No ☐ CDL

Date available to work: April 22, 2021 What is your desired salary? 26.00/hr

Are you available to work: ☑ Full Time ☐ Part Time ☐ Temporary ☐ Seasonal

EDUCATION AND TRAINING

	Name and Address of School	Course of Study	No. of Years Completed	Diploma/Degree
High School	Bishop Ryan High School, Minot ND			
College	Minnesota State University Moorhead, Moorhead MN	Anthropology, Geosciences	4	BA Anthropology with concentration in Archeaology
Graduate Professional	Wichita State University, Wichita KS	Anthropology	2	MA Anthropology with specialization in forensics
Other(Specify)				

Describe any specialized training, apprenticeship, skills, and extra-curricular activities.	GISCORPS Volunteer (2011-current), Ward County Sheriff Reserve Deputy (2011-2015), EVAC member (1999-2003), crime analysis and predictive modeling using GIS, evidence collection protocol training, search and seizure prodecure training, crime scene mapping and analysis, human remains research/identification/classification, provide expertise and guidance on potential physical security threats to USAF mission assets.

EMPLOYMENT EXPERIENCE

Eisenzimmer
Cameon
Frances

List below all present and past employment, beginning with your most recent.

Employer: Ackerman- Estvold Telephone Number (s): 701-837-8737 Job Title: GIS Analyst/Cultural Resource Manager Supervisor: Ryan Ackerman Employed from: 2013 to Current Reason for Leaving:	Work Performed: Provide support in mapping, spatial data creation, and advanced analysis. Conduct research in the fields of archaeology, anthropology, history, and forensic anthropology. Evaluate historical information resources for reliability and validity to support leadership in making informed and objective decisions on resources. Hourly Rate Salary: Beginning: 30.00 Ending: 37.00
Employer 2: KLJ Telephone Number (s): 701-572-6352 Job Title: GIS Analyst Supervisor: Sheldon Taylor Employed from: 2012 to 2013 Reason for Leaving: Better career growth	Work Performed: Managed existing and incoming data for reliability and validity of information. Evaluate operational data and imagery to provide expertise and guidance regarding potential security risks and public safety hazards. Processed over 5,000 features monthly for an area exceeding 14,000 square miles. Hourly Rate Salary: Beginning: 25.00 Ending: 25.00
Employer 3: Department of Defense - United States Air Force Telephone Number(s): 701-723-2434 Job Title: Program Analyst/GeoBase Analyst Supervisor: Renetta Pearson Employed from: 2006 to 2012 Reason for Leaving: Organization restructuring	Work Performed: Served as central point-of-contact for development and execution of assigned programming and budgeting activities for project and program managers. Created charts, trees, and other visual aids to understand and demonstrate relationships,hierarchies and flow of money within organizations. Supervise GIS within exercise operation centers during secur[illegible] Hourly Rate Salary: Beginning: 20.00 Ending: 24.00
Employer 4: ORISE / FBI Telephone Number (s): Job Title: Visiting Scientist Supervisor: Heather Peters Employed from: 2005 to 2006 Reason for Leaving: Decided to relocate back home	Work Performed: Participated in the advancement of forensic science within the Counterterrorism Forensic Science Research Unit, FBI Laboratory. Obtained TS Clearance. Provide statistical analysis and reporting of crimes, including predictive and/or patterned analysis, to identify current crime trends. Hourly Rate Salary: Beginning: 13.50 Ending: 13.50

May we contact these employers regarding your qualifications .... ☐ Yes ☑ No

Please explain any gaps in job history below:

Eisenzimmer
Cameon
Frances

ADDITIONAL INFORMATION

Military Information

Have you served in the Armed Forces of the United States? [ ] Yes [✓] No

Are you claiming Veteran's Preference under North Dakota Statue? [ ] Yes [✓] No
(You must submit a DD214 verifying each claim) **Are you claiming status of a disabled veteran?** [ ] Yes [✓] No
(A copy of your letter from the VA claiming disability must be attached to this application.)

Describe any job-related training received in the United States Military. _____

Other Qualifications

Summarize special job-related skills and qualifications acquired from employment or other experience.

Imagery analysis, statistical research in forensic techniques, crime scene mapping, crowdsourcing information, data collection/creation, data mining, disaster response, image processing/analysis, open-source data verification, spatial analysis, and spatial data processing and quality control ,and DJI drone applications.

Specialized Skills (Check Skills/Equipment Operated)

- [✓] PC/MAC
- [✓] Word Processing (WPM_____)
- [✓] Spreadsheet Software
- [✓] E-mail Software
- [✓] Copier/Scanner
- [ ] Phone System
- [ ] Fax Machine
- [ ] 10 Key

Machinery
- DJI Phantom 4 Pro
- Trimble GeoHX
- Trimble TSCe

Other Technology or Software
- ArcGIS Enterprise
- ESRI Suite
- Microsoft Office Suite
- Autodesk Suite
- Adobe Professional
- Google Sketchup

Based on the provided job description, are you able to perform the essential functions of the job for which you are applying, with or without reasonable accommodation?

[✓] Yes [ ] No

Supply any additional information you feel may be helpful to us in considering your application.

Women's Leadership Program graduate, Dale Carnegie graduate, Registered Professional Archaeologist (2016-present), Past President Minot Young Professional (2009-2010), Minot Rifle and Pistol Club Recording Secretary 2011-2016

REFERENCES

1. Steve Kukowski — Name — [redacted] — Phone Number
[redacted] — Address — ND — State — 58701 — Zip Code

2. Renetta Pearson — Name — [redacted] — Phone Number
[redacted] — Address — ND — State — 58703

3. Scott Burlingame — Name — [redacted] — Phone Number
[redacted] — Address — ND — State — 58701 — Zip Code

APPLICANT'S STATEMENT

I certify that answers given herein are true and complete.

I authorize investigation of all statements contained in this application for employment as may be necessary in arriving at an employment decision.

I understand this application for employment shall be considered active for a period of one year. Should I wish to be considered for employment beyond this time period I will inquire as to whether or not applications are being accepted at that time.

I hereby understand and acknowledge that, unless otherwise defined by applicable law, any employment relationship with the City of Minot is of an "*at will*" nature, which means that the Employee may resign at any time and the City of Minot may discharge Employee at any time with or without cause. It is further understood that this "*at will*" employment relationship may not be changed by any written document or by conduct unless such change is specifically acknowledged in writing by an authorized executive of the City of Minot.

In compliance with FTA regulation 49 CFR part 40 and 655, all FTA employees will be subject to a pre-employment drug test.

In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge. I understand that I will also be required to abide by all rules and regulations of the City of Minot.

Carmen Ersangene — **Signature of Applicant**

3/11/21 — **Date**

MINOT CIVIL SERVICE COMMISSION

CERTIFICATION FOR PROBATIONARY APPOINTMENT

Date April 30, 2021 Date of Interviews April 20,2021

The following applicants are hereby certified eligible for provisional appointment to the civil service position of

Intelligence Analyst

Cameon Eisenzimmer
Allison Sanford
Forest Weigel

Clerk of Commission

---------- **Route to Department** ----------

From the above eligible applicants, I recommend the provisional employee appointment of

Cameon Eisenzimmer
(Name of Candidate)

to the position of Intelligence Analyst **in the** Police Department.

Date effective as of May 24, 2021

At the starting salary of Range 50 & Step 5

Department Head

---------- **Route to Human Resources** ----------

Approved By:

Human Resource Director

---------- **Route to City Manager** ----------

From the above recommendation, I make the probationary employee appointment effective as requested. The probationary period for this position is 12 months, with possible extension not to exceed eighteen (18) months, based upon performance.

City Manager

Date: January 26, 2024
To: Cameon Eisenzimmer
From: Capt. Dale Plessas

Performance Improvement Plan

This plan is meant to promote employee growth and development in meeting performance expectations. This tool is designed to identify performance concerns and steps to improve performance. In addition, it provides a process for follow up procedures between employee and supervisor to encourage continued communication about performance.

DESIRED PERFORMANCE: (Describe the desired performance expectations. Give specific examples of productivity, efficiency, teamwork, quality, attendance, conduct, other.)

As the Intelligence analyst, Cameon must collect and maintain intelligence information from multiple sources. It is also expected that she should act as a bridge of information, connecting all divisions and officers of the department together. It is desired that Cameon should function as a force multiplier, ensuring that accurate and appropriate information is dispersed to department members who will use this information to improve the effectiveness and quality of their work product, thereby improving department performance. This requires that Cameon develops accurate information, recognizes who should receive the information, and ensure that the information is relayed in an appropriate and timely manner. It is critical that she build relationships with those who receive information. They must be able to trust the source and quality of the information so they can use it to make appropriate decisions. The goal is to utilize intelligence-led policing so that we can accomplish more, with less. The following are desired performance expectations to achieve these goals:

Productivity – It is desired that tasks be completed without delay. Intelligence is a continuous process of developing information. It is critical that Cameon stays on top of current intelligence and disperses this information when appropriate. Individual assignments must be completed in a clear, concise, and timely manner. The intelligence analyst position was created to support sworn staff in the completion of their duties. As such, when approached for assistance or information, a response must be made to the team members in a reasonable timeframe. Assignments must be completed.

Accuracy and comprehensiveness - It is desired that accurate and complete information be distributed to appropriate members of the team. Team members must be able to trust the information that Cameon provides because that information becomes the basis for their decision-making process. It is critical that the information that is provided be full and accurate and truly describe what is happening in the community and/or region. It is expected that care will be taken to prevent personal biases from distorting the information being transmitted. It is also important that the methodology for obtaining this information be available for review so validity and reliability of the information can be assessed by the team member.

Judgment – It is desired that good judgment be used. An intelligence analyst is expected to make judgment calls on the importance and weight of information obtained. Making good decisions on what information needs to be addressed, and who is most appropriate to address it, is an essential function. Important information can be lost if good judgment is not used.

Proper system usage – It is desired that Cameon learns and properly uses information systems to gather data and disperse intelligence appropriately. Cameon must develop an expertise with systems, to include the department records management system. This expertise is necessary to extract accurate information for her duties. Department members must be able to trust the validity of information that she extracts from systems. Cameon has many information systems to choose from, but it is appropriate to focus attention on the systems that best fit the goals of the intelligence function at hand. Communication systems that have been established must be used properly to ensure the dispersal of information and intelligence to appropriate members of the department.

Teamwork – It is desired that Cameon functions as a force multiplier by improving the work product of the department. As the intelligence analyst, Cameon must function in the team framework to support all

members of the department. She must work closely with members of the team to ensure that she is providing the support that is necessary to improve their overall work product. For this to be the case, there must be mutual respect within the team framework.

Communication – It is desired that Cameon participate in open and honest communication. As the intelligence analyst, receiving, analyzing, and dispersing information is arguably her primary function. It is important that Cameon recognizes who to communicate with in any given situation. As the intelligence analyst she must ensure proper distribution of information. If information is not sent to the right member of the department, that information is effectively lost. It is important that Cameon recognizes who needs the information and ensures they receive it. Open and honest communication with team members and supervision team is essential for this function to be successful.

ACTUAL PERFORMANCE: (Describe the employee's current performance. Give specific examples of productivity, efficiency, teamwork, quality, attendance, conduct, other.)

Cameon performance is hampered by Multiple factors that affect many levels of desired performance. Her current performance results in ineffectiveness as a force multiplier. She is currently not functioning to benefit the department by improving the performance levels of the staff she supports. The following are contemporaneous examples of performance issues that hamper her effectiveness:

Productivity – Cameon has failed to develop and/or relay appropriate information to personnel in a timely manner. Those who need the information did not receive it:

Examples:

In April the police department launched the use of the Evertel system. This system is a communication software that permits targeted messaging via the use of chat rooms. The main purpose of launching this CJIS compliant software was to create a legal and secure mechanism for sharing intelligence information to appropriate groups or members of the department. As part of the system, we created two intelligence rooms called Intel-general and Intel-drugs. As the Intelligence Analyst it is reasonable to assume that Cameon would be the top contributor to these rooms as it is her responsibility to gather, analyze, and disseminate intelligence. In auditing her usage of the intelligence sharing rooms she contributed an average of 3 posts per month in intel-general, and 1 post per month in Intel-drugs. These posts resulted in minimal information being distributed to members of the department. Her failure to contribute to this system has resulted in a lack of support for members of the Police Department.

Examples of intelligence that could appropriately have been disseminated, but were not:

November 7th, 2023, Cameon sent an e-mail to her direct supervisor and division commander about juveniles committing acts of criminal mischief. The message focused more on the patrol's lack of generating a criminal complaint and indications that juveniles were getting away with these crimes. While the critique of patrol is outside of her function and responsibilities, the observations about who was involved in these complaints are clearly useful information to patrol officers. Officers may respond to this type of incident in the future, and they would have information to give them a head start in these investigations. The information would have been ideal for Evertel Intel-General. It was never shared on this platform.

On November 30, 2023, there was a Swatting Call at an address in Southwest Minot. Cameon was involved in assisting on this call from the beginning, so she had good operational understanding of what occurred. Cameon prepared a brief of this incident for NDSLIC, but nothing was ever covered for in house officer. Those who were not working at the time would not know any of the details of this incident. The details of this incident would be appropriate for Intel-General. It was never shared on this platform.

On December 8th, 2023, there was another Swatting call at the same address as listed above. Cameon advised the Operations Commander of this incident in conversation but did not pass this incident on to her leadership, the investigator who was responsible for the initial case, or any patrol officers or dispatchers who would respond to this type of call in the future. The details of this incident would have been appropriate for Intel-General. It was never shared on this platform.

Many of the pass on information from the Intel-briefing should appear on the Intel-General site. The intel-briefing should be posted to this site or create another intel site for easy access by officers.

Intelligence from other agencies such as NDSLIC should regularly be shared on Evertel Intel-general. For example, Cameon should give a brief synopsis of NDSLIC weekly intel overviews, hot sheets, and pass ons in the Intel-general thread. She should then place the document as an attachment to permit a full resource.

Supervisors have reported that Cameon has failed to provide information that is requested or provides inaccurate and often delayed information.

Examples:

- **Failed to provide accurate data.**
The Training and Outreach Sergeant asked Cameon for data on overdose for a presentation. This Sergeant received data from Cameon, but approached the investigations commander because she did not believe the data was accurate. In review of the data the investigations commander observed that overdose deaths were clearly wrong. Cameon had previously been instructed to only use data from a shared spreadsheet on overdose deaths, to maintain accuracy and uniformity.

- **Failed to provide data in a timely manner and to the appropriate person.**
The Professional Standards Lieutenant was tasked with compiling data for a study being conducted to review the Minot Police Department. He requested data from Cameon. After waiting two weeks and a couple of prior inquiries for the data, he again asked her about it. She informed him that she had sent all the data to the Investigations Commander. As the Investigations Commander, I had also asked for data pertaining to the same study. Cameon sent all the requested data to me, without explanation indicating that some was for the Standards Lieutenant. As a result, I did not know that the Standards Lieutenant was supposed to receive a portion of this data. As a result, it was not passed on to him in a timely manner.

- **Failed to be analytical when providing information or defining a problem.**
On October 23rd, 2023, Cameon sent an email to the Investigations Lieutenant and Captain indicating that Northeast Minot had had an issue with possible drug activity and suspicious individuals for most of the summer. She indicated the area was suffering from an “uptick” in calls, individuals running from law enforcement, and possible drug activity. She provided no data to support her concerns. She indicated she intended to put a map in the intelligence brief to display her concerns. Because the information she provided had very little analytics included, I could not tell if her conclusion was based on qualitative analysis or simply assumptions. I sent Cameon an e-mail requesting very specific information. I told her I needed her to be more analytical and provide evidence of the problem, rather than just claiming there was one. These questions were never answered, and the map was never used.

Accuracy, comprehensiveness, judgment, and proper system usage – Cameon exhibits several communication barriers. She has provided information of questionable accuracy, has difficulty in

understanding and utilizing procedures to ensure validity and reliability of the information, displays difficulty in determining who the information should be conveyed to or what systems of communication are appropriate.

Intelligence meeting – Cameon often makes the statement, “there is an uptick in crime” or “a trend” that she is seeing. Despite being directed to, she failed to provide adequate information to establish these claims. She also fails to provide important data that permits the receiver to follow up on information.

Example:

As stated above, On October 23rd, 2023, Cameon sent an email to the Investigations Lieutenant and Captain indicating that Northeast Minot had had an issue with possible drug activity and suspicious individuals for most of the summer. She indicated an “uptick” in calls in the area. She intended to add a map of “trouble” areas, at the next intelligence briefing. I observed that the map lacked proper analytical data to verify her claims.

Cameon often indicates that a particular incident occurred, or report was made but neglects report important data such as reporting party or origin of information. Without this information the receiver is unable to develop the information further.

Cameon has provided misleading and inaccurate information without proper investigation into its validity and/or reliability.

Example:

- **Made indication of an attempted homicide without proper analysis of the information available.**
  On November 16, 2023, Cameon sent an email to the investigations Lieutenant and Captain, and reported in her intel briefing that Trinity Security called about a man who impersonated an officer, to get his significant other removed from a ventilator. This information was shocking. What she described would reasonably be considered attempted murder. The Investigations commander immediately assigned a detective supervisor to evaluate this information further. In less than two hours and only using information that was available to Cameon at the time of her e-mail, the investigator reported back that the subject of this e-mail had power of attorney over the patient and there was no evidence that he attempted to impersonate an officer or take the patient off life support. A police officer who responded and investigated appropriately did not file a criminal complaint in this situation. Cameon reported information based on a docket entry with very limited facts, despite having the ability to evaluate the information further or talk to the responding officers to gain clarification.

- **Made claims indicating lack of action by patrol with limited and inaccurate information.**
  On November 7th, 2023, Cameon sent an e-mail to the investigation Lieutenant and Captain. The e-mail indicated that there were multiple calls where items were thrown at vehicles causing damage. Her e-mail appeared to focus on the patrol officers’ lack of action. She said there were multiple calls and indicated that the vehicle and suspects were positively identified. She stated, “As road conditions deteriorate during winter and they continue to get away with damaging property, chances increase they could cause a serious accident.” This information was passed on to the Patrol Lieutenant for follow-up. During follow up the Patrol Lieutenant determined that in the only case that had information directly linking a suspect, the victim did not want to file charges. While this information was good intelligence for officers in the field or for future incident investigation, the information that Cameon provided was not properly verified and was determined by the lieutenant to be inaccurate and misleading.

Cameon has failed to pass information to the appropriate parties and often appears to lack understanding of who should appropriately receive information or what system is appropriate for

sending information.

Example:

- **Failed to recognize urgency and appropriate communication of emergency message.**
  On November 2, 2023, Cameon forwarded a message to the investigation's lieutenant and Captain via e-mail, regarding a message she received from the NDHP. This message was from a subject indicating "Help I'm being held at Elison in Minot. Rita Johnson room 104 my husband Harlan Johnson". This message was clearly high priority, but Cameon did not seem to recognize the importance of the message. In her e-mail to the Lt. and Capt. she stated, "I just got this. I'm in ASL class. Thought someone should look into this ASAP." She never followed up with a text or call to ensure the message was received or followed up on. In past conversations with Cameon, I have advised her that e-mail is not the appropriate form of communication for emergency or high priority messages. In this situation it appears she assigned this message low priority. She did not provide any context to indicate that knew it was otherwise. Proper action would have been to contact patrol or dispatch to receive immediate action, but this did not happen.

- **Neglected to pass useful information to those who could use it.**
  On December 12, 2023, I came to my attention that Cameon passed on information pertaining to a Swatting call to the Operations Commander. This information should have been passed on to the investigator who was handling the case, patrol, and dispatch to better prepare them for the potential of future calls. This information should have been passed on via the Evertel intel system.

- **Failed to recognize that information was useful and to relay it to all members who could benefit by it, and by the most effective means.**
  On December 12, 2023, the department focus enforcement sergeant passed on drug intelligence to the investigation division. This information was both investigative and safety related information that would be important for patrol officers to have as well. Cameon did not send the information on to patrol but added more intelligence to the investigations division. While the information was applicable and important to investigations officers, Cameon appears to have missed the value of the information to patrol. As a result, they were not linked in on this intelligence. I instructed her to send the information to patrol and she responded indicating that she was concerned about diluting the message. She said she has difficulty knowing if she should be sending the information via Evertel or adding it to her weekly intelligence brief.

Proper system usage – Cameon demonstrates a lack of understanding of how to properly utilize the Law Enforcement Records Management System (LERMS) system to obtain data.

Example:

Information was requested on violent offenses committed by use of a firearm. Cameon sent a message indicating that she did not know how gunshot would be coded. I pointed out that violent offenses have coding to indicate weapon types so that data is clearly accessible somewhere.

Teamwork – There have been instances when others have approached Cameon for information and failed to get the information or she was unwilling to provide full context of information. This resulted in mistrust and frustration among staff.

An investigations Sergeant reported that he requested vehicle information pertaining to an investigation he was working on. He indicated that his request was never filled, and no explanation was ever given.

A detective indicated that Cameon was asked for address information on a subject being investigating. The address Cameon provided was old or inaccurate. Cameon was asked where she got the information and advised that she could not give up her source information. This created frustration within the division.

Cameon often provides incomplete information that causes more work for the receiver. For example, Cameon sent a message on October 2, 2023, indicating that there has been an unusually large number of deaths in the past 5 days. Very little context is provided with this e-mail so the receiver must research and analyze each death, to determine links. This process should be a part of an intelligence analysts' duties, but often minimal information is forwarded, and the information receiver is left doing the analytical work so that they can take the appropriate action.

PERFORMANCE IMPROVEMENT: (Describe the difference between the actual and desired performance.)

Cameon's performance and communication barriers resulted in barriers to accomplishment of the goal of being a force multiplier for the department.

Productivity – Cameon is currently posting minimum information on Evertel. It would be reasonable to expect that Cameon would go from two or three posts per month to multiple posts per week or even every day. The information being contributed must be trustworthy, true, and useful to the end users of the intelligence group. The information must come from any number of sources but should be appropriately vetted to ensure that it does not mislead the end user in any way.

Intelligence information is often received by Cameon but is not recognized for its importance and is not distributed to the appropriate end user. It is desired that information should be recognized and appropriately distributed to end users who can put the information to work to best fulfill the department's mission.

Cameon receives multiple requests for information from members of the department. Many have reported that they have not received a return, received delayed returns, and/or receive inferior or untrustworthy information in return. Members of the department should be able to trust that information that is requested will be returned in a timely manner and that the information will accurately reflect the request made. If a request cannot be accommodated, the requestor should understand immediately in order to make other arrangements.

Accuracy and Comprehensiveness - Cameon provided inferior information. The information, at times, lacked accuracy and/or validity, was not provided in a timely manner, and lacked proper analysis to be useful. The information she provides must be accurate, provided by a deadline, and would have proper analysis with details to ensure usefulness and accuracy of the data.

Judgment - Cameon has rushed to judgment without full analysis of the facts available to her. Releasing inaccurate information can often have more consequences than releasing nothing at all. Cameon must retrieve all the relevant facts available and make a full analysis of this information before making judgments or deciding the best procedure to follow. It is also important that Camion take into account the likely results of any action that she makes and determine if her course of action is appropriate or necessary. Cameon should also make good judgment calls on the best route for information to be transmitted as well as the appropriate personnel to transmit to. Both of these factor in on the effectiveness of the information in completion of departmental goals and objectives.

P**roper system Usage –** Cameon lacks expertise in utilizing records management systems. This system is very complex and can be used to filter data in many ways which will result in different results. It is reasonable to expect that Cameon should develop an expertise in this system so that data that is obtained from the system can be trusted, as a true measurement of what is being studied.

Teamwork – For various reasons listed in this plan Cameon has failed to work as a team player resulting in failure to function as a force multiplier. It is desired that Cameon should work to make all members of the department more efficient in their duties by providing them with information that permits them to be more effective. To do this, all members of the department must trust the information she provides as well as her intent in providing that information.

ACTION PLAN: (Identify actions to help improve performance. Utilize SMART goals in establishing plan.)

Productivity –

Evertel - Cameon will work to develop and filter useful information that will be released as regular intelligence posts on Evertel. Information posted will be properly verified and vetted and full disclosure will be given, so that the end user can assign appropriate value to the information. Intelligence information will be made in a format that is easy for the end user to read and evaluate. More comprehensive information can be included in attachments to the thread post.

Assignments and information requests - Cameon will develop a procedure to ensure that information requests from members of the department are documented and a deadline is established. She will develop a procedure to ensure all requests are completed with due diligence and processed in a timely manner. She will have open and honest communication with any member of the department and inform them when she does not believe she can complete a request, at the time of the request, so that they can make alternative arrangements.

Accuracy and comprehensiveness –

All intelligence information will be accurate and comprehensive. Cameon will ensure intelligence that she disseminates is evaluated with a critical eye and properly verified. She will investigate information she receives to ensure that it is useful and accurate. She will provide source, data, and/or associated information to ensure that the end user is able to make their own analysis. The end user must be able to trust the information she is providing. For example, if Cameon is providing information that a person has been accused of being involved in several instances of criminal mischief, Cameon should include case numbers as well as the names of those making the accusations. She should not draw her own conclusions without demonstrating and explaining why she came to that conclusion.

Judgment –

Good judgment will be used in the information that is disseminated and the means by which it is disseminated. Intelligence information will be judged and given due diligence regarding its importance. Intelligence information will only be disseminated to those who may have a reasonably need for, and benefit by it (on a need-to-know basis). Those who need information will not be deprived of the information. Information will be transmitted in an appropriate manner, with due regard given to priority of the information.

P**roper system Usage –**

Intelligence work requires accurate data. To gain access to this data it is critical that Cameon properly utilize any system that is at her disposal. Cameon will gain a mastery of all system she utilizes but especially the records management system. She will develop contacts with the system provider, to answer questions and develop answers to problems as they arise. She will seek out training to develop a better understanding of the system. She will recognize when there are discrepancies in the results she is receiving and learn ways to trouble shoot these.

Teamwork –

Building trust is the first step to building relationships that result in strong teamwork. First Cameon must ensure that data and information she provides is accurate and trustworthy. Cameon must provide her team with background information that permits her team to easily analyze the work that she has provided. They should be able to draw conclusions by evaluation and replication of the information provided. This will help them to develop trust in her methodology. She should make special efforts to be open to criticism to develop better methods. She should be cognizant of communication barriers and work to overcome them. Cameon Should consistently reach out to members of investigations, patrol, and administration to build relationships and better understand their needs.

MEASUREMENT: (Specify how desired performance will be measured. Give examples of timelines or milestones that will show achievement of desired performance level.)

Productivity –

Evertel - Cameon will make a combined minimum of four posts per week on the Evertel intel sites (Intel-General and Intel-Gang/Drugs). These posts must contain useful and vetted information. They can consist of information developed by Cameon, through other intelligence sources, or from other police personnel. The Investigations Lieutenant will make a quantitative and qualitative evaluation of posts made on the Evertel system, to ensure these criteria are met, on a bi-weekly basis (once every two weeks). The quantitative and qualitative analysis must be in total compliance for this measurement to be met.

Assignments and information requests – Cameon will establish a written procedure to document all assignments and requests that are made of her (to be referred to as tasks). This written procedure will be evaluated by the Investigations Lieutenant and attached to this PIP document. She will work on each task on a regular basis to ensure the process is moving forward and tasks are being completed. She will meet with the Investigations Lieutenant on a bi-weekly basis to ensure these tasks are properly documented and progress is being completed. Any task that Cameon can not complete must be evaluated for reasonableness by the Investigations Lieutenant. The Investigations Lieutenant will make a qualitative analysis of productivity. The qualitative analysis must be in total compliance for this measurement to be met.

Accuracy and comprehensiveness –

Intelligence Information – Intelligence information can be transmitted in many ways. Cameon will cc the investigations Lieutenant on emails where intelligence is disseminated. She will provide the Investigation's Lieutenant with any report, power point, or correspondence where intelligence information is disseminated. All intelligence information will be evaluated by the Investigation's lieutenant on a bi-weekly basis. All instances were incomplete, inaccurate and or misleading information has been disseminated, will be documented. The Investigations Lieutenant will make a qualitative analysis of accuracy and comprehensiveness. This qualitative analysis must be in total compliance for this measure to be met.

Judgement –

Cameon will show good judgment in handling of intelligent information in its various forms. The Investigations Lieutenant will evaluate the dissemination of information, to ensure proper judgment is being used, on a bi-weekly basis. Any lapse in judgement will be documented. The Investigations Lieutenant will make a qualitative analysis of Judgment. This qualitative analysis must be in total compliance for this measure to be met.

P**roper system Usage –**

Cameon will take steps to show the Investigations Lieutenant that she is gaining a mastery of the systems that she utilizes. She will demonstrate that she has made contact with New World LERMS support on issues she has with the LERMS system. She will put in for appropriate training as it becomes available. Cameon will provide the Investigations Lieutenant with a comprehensive list of all programs and systems she utilizes in her duties. She will demonstrate a mastery of systems she utilizes. The investigations Lieutenant will make a qualitative analysis of system usage. This qualitative analysis must be in total compliance for this measure to be met.

Teamwork –

The investigations Lieutenant will meet with Cameon on a bi-weekly basis. The investigations Lieutenant will document the effects or consequences of any inaccurate, misleading, or incomplete intelligence information that was documented (per the accuracy and comprehensiveness section). The investigations Lieutenant will document any instances where misleading or inaccurate information deteriorated relationships or had a negative bearing on teamwork. Cameon will document the work she does with others (per productivity section requirements) and discuss this with the Investigations lieutenant bi-weekly. The investigative lieutenant will make a qualitative analysis of teamwork. This qualitative analysis must be in total compliance for this measure to be met.

OUTCOMES: (Identify positive and negative outcomes with the employee regarding meeting or not meeting expectations. If termination is a possibility, it should be clearly communicated in the plan document.)

Cameon will meet with the Investigations Lieutenant on a bi-weekly basis. During this meeting the investigation lieutenant will evaluate work product as specified in this document and provide constructive feedback. The Investigations Lieutenant will document progress in regard to meeting or not meeting expectations.

Cameon will meet with the Investigations Lieutenant and Captain on a bi-monthly basis (every two months). Progress in terms of this PIP will be evaluated at this meeting. If expectations are being met and/or substantial progress is being made, the Investigations Commander will determine if the PIP should continue or completed. If there is failure to meet expectations or lack of substantial progress, the Investigations Commander will decide viability of future success of the PIP. If the Investigations Commander sees a path to success, the PIP will be extended. If the Investigations Commander does not see a path to success, a recommendation for termination will be made to the Chief of Police.

Next Meeting Date: __February 9, 2024_____
February 23, 2024
March 08, 2024
March 22, 2024
Bi-Monthly - April 01, 2024

Employee Signature: _____

Supervisor Signature: _____

June 23, 2020

Minot Police Department
ATTN: Chief Klug

To Whom It May Concern,

It is with unfortunate circumstances that I offer this letter as my resignation notification as well as my exit interview.

In 2015 when I was hired on to the Department, never did I dream I would be quitting in 5 short years. My goal was to be a K9 officer, now, that is a distant memory and dream that I find that I am not quite ready for.

As such, my end date with the City of Minot Police Department will be July 10, 2020, where I'll then be working in Corrections with the Ward County Jail.

Listed below will be some points I wish to address in lieu of my exit interview.

- I have come to appreciate this career. While visibly thankless and easy to lose sight of those in appreciation for what I do in my day to day, I have noticed that there is more support, more of a community family, even friendships present in the City of Minot than I ever dreamed of. I could not have been luckier to serve such a kind community's streets.
- I've learned that the blue line spreads across the country, even countries overseas. I have made many connections, networks, and friendships with my other brothers and sisters in blue that I have met from several areas.
- I've learned time and time again that I am tougher than I give myself credit for. I am also more emotional that I am willing to admit and I have seen that come in handy when talking to people, especially victims, who need a shoulder.
- I've learned that teamwork is essential. Simply, #TeamWorkMakesTheDreamWork.
    - But working with other Agencies, such as Highway Patrol, Border Patrol, and Ward County Sheriff's Deputies, is often frowned upon on. If Officers, such as myself, utilize the special deputy exception we are sworn under to assist another agency, we are called off and told it is not our problem. BUT as soon as our Officers are bogged down with calls, our supervisors request other agencies assistance AFTER telling them to get out of city limits.
- I've learned that policy is gold and very little else matters. If it isn't for the good of the policy, it isn't for the good of the order and that policy seems to only apply to certain people and only certain people

- Do not mistake, I understand policy is to protect us, the department, and the community; but does it really hurt to take photographs with other individuals in the community, each other, or family and post it to social media?

- I've learned that many times it is someone's way or the highway and that it is easier to just bend and do it that way, until another someone comes along and then it is only that way. But there are many ways to describe a Lion as well as paint one.
- I've learned that 'big brother' is everything Officers were promised it would not be. Because of that, we watch over our shoulder and anticipate the reprimand, constantly.
- I've learned that those who do no self-initiated work, take little to no calls, and overall 'ghost' during shift get very little consequences and seem to never make mistakes. BUT as soon as an officer who is always out there, making stops, taking the reports, being the community officer we need; they are wrong, make several mistakes, and are often on a formal plan for whatever mistake was made.
- I've learned that as soon as a mistake is made, often it is not addressed immediately, but addressed weeks, and months later.
- I've learned that mental health, while talked about, is not trained for. My best help was my coworkers and shift partner.
- Many aspects with this department is still a 'good ol boys club' and if you're not a part of it, you're wrong, outcast, and often run out of the department. I've seen many good Officers experience this and leave.

This career is hard, thankless on the surface, mentally taxing, emotionally grueling, family disconnecting, dark, sometimes perverted, the product that every salesman must sell but no one wants and passionate.

I truly hope, in the future, that these concerns never come up again. I truly hope our supervisors will lead us and not manage us. I truly hope that this department will be as supportive of the officers as the community is. I also hope that this department will be fun, uplifting, caring, understanding, practical, and rational when those changes come around.

My home and door is always open to any Officer who needs a place, needs a break, is wanting an ear or a shoulder and doesn't mind taking a short drive because I live way out there. I will always be that blue sister to any of the siblings at this department.

Sincerely,

Heather Summers

[redacted]

July 1, 2020

To whom it may concern,

Please accept this letter as my resignation from the Minot Police Department.

My last day with the police department will be July 10,2020.

Sincerely,

Heather Summers

Jacob Olson

Sgt. Strandemo and I have became aware of faltering FTO performance by MPO Olson. Among the issues were

- Attitude
- Performance-Behavior
- Quality of Work Product

Sgt. Strandemo, myself and MPO Olson held a meeting in Sgt. Strandemo's office around 0615 hours on 5/8/2022. We discussed the issues outlined below. The decision was made to remove Master Police Officer Olson as a Field Training Officer and subsequent removal of the Field Training Officer Program.

Attitude:

It has became overbearingly obvious that MPO Olson speaks disparagingly about other department members in such a way that would discredit this department and/or its members in direct violation of Minot PD Policy #322.5.8(e); *Performance: Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.*

It has come to our attention, as FTO Coordinator (Sgt. Strandemo) and FTO Supervisor (myself), that MPO Olson had spoken to his trainees in this regard and had in fact inappropriately been speaking disparagingly about department members (talking negatively about others behind their backs). Recent trainees had expressed being uncomfortable with this behavior, as it confuses them and they might not always agree with what was being said by MPO Olson, but felt compelled to go with the flow so as to make their phase go-on. This is a concept that it not new to MPO Olson. He has a long track history of talking negatively behind other department member's backs. Seemingly, just as he has finished talking negatively of one person, he is onto the next. MPO Olson has been counseled by Sgt. Schoenrock on this very issue. It was my understanding that these counseling sessions were not extravagantly official and no official documentation was prepared. Sgt. Schoenrock has counseled MPO Olson on numerous occasions while MPO Olson was assigned to Night Shift.

It has been explained to MPO Olson that when he speaks disparagingly to an officer in confidence, about another department member, and then does so with another officer and another, eventually establishes a track record within the agency and would be cause for concern for any officer not to think he would do the same to them. Talking disparagingly about other department members diminishes the integrity of trust we should have in each other and certainly with his character. The damage is even more significant when considering this is being done while he is training new hires. These newly hired officers are susceptible to inferences made by an otherwise seemingly influential training officer. These officers are being shown

what is acceptable behavior, how we treat each other and how we operate within the chain of command structure. Behavior such as this diminishes the institutional integrity one should expect from a well established police department of over 100 years.

Performance-Behavior and Quality of Work:

MPO Olson also fails to accept responsibility for his actions, rationalizes his mistakes and becomes argumentative with constructive criticism and defiant with a directive that he disagrees with. Moreover, MPO Olson will illustrate his disagreement, or express his defiance with a supervisor's directive to enhance the self-image of himself to his trainee in violation of:

Minot PD Policy #322.5.8(e); *Performance: Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.*

Minot PD Policy #322.5.9(m); *Conduct: Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.*

Minot PD Policy #322.5.7(b); *Efficiency: Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.*

Minot PD Policy #600.0.1; *Initial Investigation-Officer Responsibilities: Speaking with any witnesses or complainants, completing a cursory examination for evidence, preserve the scene and any evidence as required to complete the initial and follow-up investigation, collect any evidence and complete and submit the appropriate reports and documentation.*

MPO Olson has been counseled by myself and other supervisors about the scope of patrol's investigations. On the surface, he was seemingly receptive to constructive criticism that I've given him in the past however would turn cheek rather quickly. On one occasion with an email thread between MPO Olson and myself around March 26, 2022, I laid out issues with submitted casework and tickets that were submitted by his trainee. I explained what needed to be fixed and my expectations. In the email response he stated *"Daws fixed the tickets and is in the process of fixing the case. I appreciate the clear and direct instructions that were given in this matter. Daws' paperwork will reflect this standard moving forward as will mine. I have covered the reasons why with him."*

In the next paragraph he changes the tune and clearly illustrates his unwillingness to listen to constructive criticism. The response was as follows:

"I would also point out that I am very mindful of the unwavering tenacity it takes to train people. I would like to think that all the employees that I had a hand in training are not terrible. ***The suggestion that I am allowing below acceptable work while our new recruits are in training offends me.*** *I may have taken this the wrong way as well, if so I apologize. I find it easier to explain a trainees mistake when the work is in front of us then replicating what I would do. I try to entertain the idea of promoting critical thinking. I do have to admit that I rely heavily on my peers for help in writing because I have issues sometimes putting thought to paper correctly. I will make every attempt in doing a better job."*

MPO Olson also had a discussion about a burglary case with Lt. Dyke. MPO Olson was defiant with Lt. Dyke, failed to listen to his constructive criticism and was argumentative with Lt. Dyke in the presence of his trainee. I spoke to Lt. Dyke about the issues with the initial investigation, the issues with the casework and MPO Olson's attitude. MPO Olson failed to take leads on basic preliminary investigative duties such as obtaining video footage, collecting statements and properly documenting as such. Attempts to follow up on this case were not completed, hence another issue. It seems to be the belief of MPO Olson that it is the job of the investigator to follow up with these cases.

With the casework I had emailed him about, common grammatical errors littered his report. The report failed to identify date and time. The sole complainant and only witness was identified as "Lady working the counter". Little to no attempts to positively identify the suspect or follow-up was documented in the report. The report failed to include mention of their intent to follow-up with this case to it's completion. MPO Olson also failed to ensure that a statement was taken and proactive steps at collecting video footage.

I was also made aware that MPO Olson did not train basic navigational skills to his phase I trainee such as the main thoroughfares, city center and how to navigate even vs. odd building numbers. He was provided with forms/templates that were obsolete. He admittedly did not work on report writing, as he identifies report writing to be one of his shortfalls and knew the next FTO (MPO Bjork) was much better at report writing than he was.

Citations that were submitted by his trainee contained grammatical errors, clerical errors such as wrong subject name on citations and insufficient officer narratives for the traffic tickets, most of which had rather short narratives. Some has one or two sentences. The quality of the work product MPO Olson allowed his trainees to submit was less than satisfactory and was unacceptable.

City of Minot

July 1, 2024

Police Department

To: Kristian Shaide, Master Police Officer

Ref: Damaged Windshield

This letter is a summary of the incident surrounding the damage caused to the windshield of patrol vehicle #5 on June 27, 2024. I was made aware of the incident on that day and told it would be reviewed along with past incidents of damage or loss of department owned property. I received the report outlining past disciplinary actions and a recommendation for progressive discipline based on all facts and circumstances.

The letter provided by Officer Shaide explains his frustration with the computer's connectivity and cell phone locking up that led to the "tossing" of his cell phone. The cracked windshield had to be replaced and that cost was absorbed through the department budget. This action by Officer Shaide violated two Minot Police Department policies and led to the patrol vehicle being unavailable while it was being repaired.

I would further add that Officer Shaide needs to educate himself on "why" the authentication systems are in place and who mandates those systems. His lack of understanding paired with the lack of control of his emotions, lead to his failure to take responsibility for his actions.

Supporting Documentation:

- Letter of explanation from Officer Shaide.
- Letter outlining findings from Capt. Sundheim to Chief Klug.
- Copy of previous letter of reprimand from 2023.

Findings: The actions of Kristian Shaide were determined to be violations of Minot Police Department Policy 322 – Standards of Conduct and Policy 700 – Department-Owned and Personal Property. I find the following policy violations are **sustained** and are basis for the disciplinary action in this case.

- Policy 322 – Standards of Conduct
  - 322.5.9 – Conduct
    (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- Policy 700 – Department-Owned and Personal Property
  - 700.4.1 – Care of Property
    Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property that has been assigned or entrusted to them. Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

PO Box 5006 • 515 2nd Ave. SW • Minot, North Dakota 58702-5006 • (701) 852-0111 • Fax (701) 839-4804

Discipline: As a result of these findings, I am ordering the following for Officer Kristian Shaide:

- Officer Shaide will be suspended without pay for a period of two days (20 hours).
- A copy of this letter will be placed in the personnel file of Kristian Shaide at the City of Minot Human Resource Office.

Any future violations of policy may result in progressive disciplinary action, up to and including termination.

John Klug, Chief of Police — Date: 7/3/2024

I have been given a copy of this disciplinary decision.

Kristian Shaide, Master Police Officer — Date

Witnessed by:

Justin Sundheim, Captain — Date: 7/3/2024

Optional Waiver:

I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

Kristian Shaide, Master Police Officer — Date

Outlook

Radio Equipment issues

From Justin Sundheim <justin.sundheim@minotnd.org>
Date Mon 9/13/2021 4:29 PM
To PD-Patrol <PD-Patrol@minotnd.org>

Officers-

I'm going to apologize in advance for the lengthy email, however due to some misconceptions that are floating around, several things need to be addressed.

Recently two of our officers were involved in a situation where a 10-78 was called and no one heard the call until several minutes into the incident. Thankfully, no one was seriously hurt.

After extensive testing from Mid States this past week that included the radio towers and the portable radios, it was found there were no issues that would have affected the ability to transmit from that location. The tower and radio itself were found to be operable. What the problem likely was is the 2 wire system that leads to the radio.

There has been talk about the new radio system that will be put into place in the next several months. What needs to be realized is that this new system will not solve the problem that occurred during this incident. The 2 wire system is not part of the "radio system", it is a piece of equipment that is used as an add on to the radio. These systems have their drawbacks (as well as pros) however, one of the drawbacks is strain on the connection. Whether your wire "pulls" on the connection (because it is wrapped through vest too tight), or the constant connecting/disconnecting (which in turn causes bent wires that may or may not break—thus causing transmit issues), both will eventually cause failure, either intermittently or permanently at the connection point. *You should eliminate taking the connection apart when possible. (i.e. taking battery off radio to charge instead of disconnecting everyday, etc)* Officers should also do a visual inspection for bent wires, loose connection. The other main issue is inability to hear. This is normally caused by obstruction/condensation in the ear piece system. Visual inspection and daily blow outs will assist with this issue. If you "swap" radios out with someone, you may not notice either of these problems right away, but if you use the same connections/accessory pieces, eventually the same problems will happen. It is not the radio itself or system's failure. I take responsibility if this information has not been getting to officers. I took for granted that these parts of your daily maintenance/troubleshooting were known.

We will always look at better ways to equip officers, but we need your say in what that should be. You are the end user of the equipment. The best way to do that is through budget requests. To my knowledge we have never received any radio equipment related requests for budget consideration.

During one of the patrol officer meetings, concerns over radios came up. I requested officers take the next step in identifying the problem, which was documenting what the exact issues were such as which radio, location, etc, so a pinpointing of the problem could hopefully lead to a solution. Until this issue came up last weekend, I had not received any additional communication to date in regards to the problem(s). Simply saying the radios don't work doesn't do us or Mid States any good in trying to solve the problem. Understand that dispatch is not the entity that can fix any portable or mobile radio issue. Report any issues through the chain of command. Lt. Wegner is very much willing to look at issues and attempt to solve any equipment problem.

Do not be overly reliant on any one piece of equipment. Whether it is your taser, radio, ability to communicate, firearm, each one of your tools can fail, and usually due to Murphy's law, it will be at the most inopportune time. Know the functions of your radio, such as how the side activation works separately from the 2 way mic and the emergency button. Each one of these things provide a separate ability to communicate with dispatch outside of your 2 wire mic.

Captain Justin Sundheim
City of Minot, Operations Commander
Minot Police Department
Office: (701) 857-4717
PO Box 5006, Minot, ND 58702-5006
FBINA #267

City of Minot
Making the Magic in Minot

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City of Minot

Employee's Name: Shaide, Kristian
Title: Police Officer
Department: Minot PD
Review Period: January-December 2021

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
1. Skill and proficiency in carrying out assignments			3-Proficient			
Brief explanation: Officer Shaide can be relied upon to be assigned more complex situations by his supervisors. He brings a maturity to the job that is much needed with such a young group of officers on night shift. This has improved over the last year.						
2. Possesses skills and knowledge to perform the job competently		4-Highly Effe				
Brief explanation: Officer Shaide has improved in this area over this past year. He has educated himself on case law and the century code. Many officers go to him for guidance in these areas. Officer Shaide is always is always evolving and learing from things he has done in the past.						
3. Skill at planning, organizing and prioritizing workload			3-Proficient			
Brief explanation: Officer Shaide is organized and does very well when it comes to choosing which calls are priority's. He often breaks away from a less important call to something of a more serious nature.						
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner			3-Proficient			
Brief explanation: Officer Shaide takes responsibility for his actions and is the first to come to a supervisor if he feels he did something that might be questionable. If he starts something he finishes it.						
5. Proficiency at improving work methods and procedures as a means toward greater efficiency				2 Needs Impr		
Brief explanation: Officer Shaide needs to reflect upon his calls to increase awareness on recognizing ways to analyze and improve performance following incidents as a way to enhance methods for greater efficiency and improve officer safety.						
6. Communicates effectively with supervisor, peers, and customers			3-Proficient			
Brief explanation: Officer Shaide communicates well with his shift supervisors about what he is doing or what had happended. Shaide takes time and care with speaking to customers and victims, showing his human side.						
7. Ability to work independently		4-Highly Effe				
Brief explanation: Officer Shaide is very good at self initiated activity. He is not afraid to take on a project by himself and bring along help when needed.						

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 2- Needs Imp

Brief explanation: Officer Shaide works well with his shift sergeants and other night shift officers. Officer Shaide needs to remember that night shift is part of a larger team and needs to improve demeanor towards administration and other personnel outside of patrol. The total team effort includes all apects of the department as a whole.

9. Willingness to take on additional responsibilities — 4- Highly Effe

Brief explanation: Officer Shaide is very willing to take on extra responsibilites and he will actuall seek out additional tasks. Shaide like to be busy and considers extra duties a challenge. Shaide is a go to when things are busy and something else needs to be added to his plate.

10. Reliability (attendance, punctuality, meeting deadlines) — 3- Proficient

Brief explanation: Officer Shaide is solid in this area, rarely is his paperwork late or a deadline not met. He can be trusted to be to work ready to go every day. If he is asked to get soemthing done, he usually tends to it right away.

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 3- Proficient

Brief explanation: Officer Shaide is generally effective when problem solving. He thinks things through before he makes a decision. Officer Shaide has also demonstrated that occationallly he needs to adapt to changing situations and then think about

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation: There have been no problems in this area.

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 3-Proficient

Brief explanation: SHaide is solid in this area. He is one of the better officers when it comes to officer safety. He will point out defficiencies in other officers safety habits to help them improve

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
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2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. N/A

Brief explanation:

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. N/A

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. N/A

Brief explanation:

17. Delegates responsibility where appropriate, based on the employee's ability and potential. N/A

Brief explanation:

18. Takes timely and appropriate corrective/disciplinary action with employees. N/A

Brief explanation:

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. N/A

Brief explanation:

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Officer Shaide is a very intelligent officer that is constantly educating himself to improve his performance. Shaide is a hard worker with a great attitude. Offficer SHaide has shown very good leadership skills and the ability to adaspt to any type of call or situation. He is excellent at thinking on his feet, showing sound judgement. Shaide needs little guidance, but comes to supervision to let us know whats going on and to run by us what he is thinking. This add to his effectiveness.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Officer Shaide has improved greatly with his self confidence, but still needs to work on that area of himself. He sometimes lets self doubt creep in and it can affect his performance. He second guesses himself and it will take him a bit to let that go. Officer Shaide tends to let things outside of his control upset him quite a bit. For instance court proceedings or the States Attorneys Officer decisions. This can get Shaide spun up and out of focus at times. Officer Shaide should remember to evaluate all situations and look for ways to improve. No situation/call is conducted perfectly, there is always room to improve.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Officer Shaide has taken a leadership role more in 2021 and should continue with that. He shows great apptitude for it. Officer Shaide would be well suited at this point in his career to become an FTO, he has the ability and patience to become an excellent FTO.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

As previously mentioned, Officer Shaide should continue to take on more of a leadership role. Officer Shaide should continue on his path of being a well rounded officer, with the ability to do traffic as well as calls and more complicated investigations. Officer Shaide should begin learning his new role on the MPD SWAT team as well.

5. List the employee's development goals for the coming year:

-Focus on becoming an FTO, this will help Officer Shaide develop in his role as a leader.
- Attend training related to investigations or leadership.
-Attend training related to SWAT.

This annual performance review will become part of your City of Minot personnel file.
Please sign below to acknowledge that you have received this document.

Employee Signature:	Date:
Supervisor Signature	**Date:**

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

☐ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Department Head Approval | Date:

Human Resource Director Review

Comments:

Human Resource Director Approval: | Date:

Greg Johnson Major Cases

Check open cases re disposer.

21-24366 Homicide

22-39028 Homicide

23-37040 Homicide

24-18016 Shooting Personal Injury

24-10193 "Searched basement" on missing person/Homicide

24-23844 ATM Burglary Town and Country Credit Union

24-27941 & 25055 Theft of motor vehicles. Chose to attend training for rather than prepare warrant documents. Was ordered by Captain Plessas to prepare warrants.

Only 5 search warrants this year several of which actually were composed by Sumlin/Hanks one was on behalf of AirForce OSI for a residence because Det. Lentz was busy on warrant.

In my 3 years with the investigations unit he has never executed a search warrant on a residence for any purpose.

I have written and executed 26 warrants this year alone for residences, phones, facebook, textnow etc.

Detectives avoid asking for his assistance executing warrants because he just stands around on scene and conducts sloppy searches when he does participate.

Detectives avoid having him review their paperwork because he just signs off and does not carefully review and offer suggestions on their work.

1. Officers not receiving constructive criticism
2. No training for positions Sgt. Etc. No set expectation
3. ADP, Evertel, Email, Lexipol, evidence review etc.
4. SWAT team needs to participate in med/high risk regardless of "public appearance"
5. 3-day notices of UA's

Case #: 22-39028

Date: 12/20/2022

Matter Investigated: Homicide

Sgt. Greg Johnson Report

---

1. On December 30, 2022 at 0230 hours I was contacted by Captain Plessas and informed of a shooting homicide that occurred at the Lamplighter bar. I was told that patrol units had the suspect in custody. I was asked to come in to assist Sgt. Charles Johnson and Detective Hanks.
2. When I arrived at the Police Department I was told that Detective Hanks and C. Johnson were already at the scene. I met up with Detective Asham who was waiting for another Crime Scene Unit person to show up before heading to the scene. I then drove to the Lamplighter bar and met up with the Detectives there.
3. I was asked by C. Johnson to photograph the license plates of the vehicles in the bar parking lot and the Arrowhead shopping center so we could run the plates later to attempt to find the suspects' vehicle.
4. The last plate I took photos of was ND plate 494BJL. I asked Officer Roach to run the plate thru Minot Central Dispatch and it came back as being registered to the suspect Justin McDermott's father. Olson's Towing was contacted to tow the vehicle back to the police department to be searched later.
5. A notebook with writing on it was located in the parking spot directly to the south of the suspects' vehicle. I photographed the notebook and collected it and placed it into evidence. It did not appear to belong to the suspect but there was no way to show that it did not either.
6. I stayed at the Lamplighter to assist the Crime Scene Unit in processing the scene. I did not help with the processing of the scene. I left the Lamplighter at 0510 hours when the CSRU finished up with the scene investigation.

Charles Johnson

From: John Klug
Sent: Wednesday, October 5, 2022 12:20 PM
To: PDSworn
Subject: Assignments & Development
Attachments: APPLICATION FOR SPECIAL ASSIGNMENT.pdf

Importance: High

All Sergeants and Officers,

Over the past several years, the various administrations have considered how we could be ensure our personnel are experienced in as many areas of the department as possible. In other words, how do we get officers to experience all of the Patrol shifts as well as the various Special Assignments available? How do we get the best people in the right positions? And, how do we capitalize on the training and experience our officers get as a result of these assignments?

After much consideration, we are implementing the following plan for Sergeants, Master Officers, Senior Officers, and Officers:

- The longest consecutive period of time on any shift is 4 consecutive years.
  - The 4 years is retroactive and will be considered for the bid period for 2023 calendar year.
  - Special assignments are generally 5 years, but can change based on department need or Chief's decision to change.
  - Consideration will be given to those who provide proof of an extreme hardship due to the proposed reassignment in writing to the Chief of Police.
- Must move to another shift or special assignment for at least 1 calendar year (bid period).
- After one full year of regular duty assigned to another shift, the original shift can be re-bid.
- Decisions on timing of reassignments will be made by Lieutenants and Captains for each division and approved by the Chief of Police.
- The reassignments will not be made in a manner that has a negative impact on the effectiveness of any shift, division, or position within the department.

In addition to the above information, I wanted to notify each of you of the opportunity to experience a special assignment within the Police Department. The following positions are open, and I have attached the Application for Special Assignment for your convenience. Once you have completed your application for special assignment, turn it over to your Lieutenant along with your letter of interest so they can sign off and submit it to the appropriate Division Commander. Here are the positions open at this time, but the timing of them being filled will be prioritized based on staffing levels.

- **Records Sergeant** *(current sergeants)*
- **Property & Evidence Officer** *(Senior & Master Officers)*
- **Drug Task Force Officer** *(Senior & Master Officers)*
- **Community Outreach Officer** *(Senior & Master Officers)*

If you are interested in any of the Special Assignments, please have your application submitted by Wednesday, October 12th at 10:00 AM.

All of the Executive Team are informed about this change and can help answer any questions you may have. The shift bid information and process will be posted in the near future.

Chief John Klug
City of Minot, Police Department
Office Phone: 701-857-9800

FBI-NA 258

City of Minot
Making the Magic in Minot

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Minot Police Department

CASE REPORT CASE# 2024-00023085

515 2nd Ave SW
Minot, ND 58701

EVENT

REPORTED DATE/TIME	OCCURRED INCIDENT TYPE	
8/4/2024 07:46	Criminal Mischief	
OCCURRED FROM DATE/TIME	**OCCURRED THRU DATE/TIME**	**LOCATION OF OCCURRENCE**
08/04/2024 01:30	08/04/2024 07:30	1740 13TH ST SE MINOT, ND

OFFENSES

	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT
01	12.1-21-05(1) CRIM MISCHIEF - MB CRIMINAL MISCHIEF - WILLFUL - TAMPER/DAMAGE	1	Completed

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)					
Adult	Suspect	UNKOWN,					
DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)					
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
DL NUMBER/STATE		PRIMARY PHONE	PHONE #2	PHONE #3			
ND							

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)					
Adult	Victim	WESTWOOD, LACY KAYE					
DOB [redacted]	AGE or AGE RANGE 34	ADDRESS [redacted]					
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
White		Female	5'2"	200	Brown	Blue	
DL NUMBER/STATE [redacted]		PRIMARY PHONE [redacted]	PHONE #2	PHONE #3			

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)					
Adult	Victim	HELLMAN, CHRISTOPHER JOHN					
[redacted]	AGE or AGE RANGE 24	[redacted]					
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
White		Male	5'8"	175	Brown	Brown	
[redacted]		[redacted]	PHONE #2	PHONE #3			

REPORTING OFFICER	DATE	REVIEWED BY	
DANIELBATTEIGER437	8/4/2024	RUELLE, TYLER JOSEPH	08/05/2024

Minot Police Department

CASE REPORT

515 2nd Ave SW

Minot, ND 58701

CASE# 2024-00023085

ADDITIONAL SUBJECTS

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)					
Adult	Victim	DERY, TYLER GREGORY					
DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)					
[redacted]	28	[redacted]					
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
		Male	6'0"	200	Blonde	Blue	
[redacted]		[redacted]	PHONE #2		PHONE #3		

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)					
Adult	Victim	FRANKO, MARIA ISABELL					
DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)					
[redacted]	28	[redacted]					
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
		Female	5'11"	180	Blonde	Blue	
[redacted]		[redacted]	PHONE #2		PHONE #3		

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)					
Adult	Victim	CHILDRESS, AUSTIN LEWIS					
DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)					
[redacted]	29	[redacted]					
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
		Male	5'9"	195	Red	Blue	
[redacted]		PRIMARY PHONE [redacted]	PHONE #2		PHONE #3		

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)					
Adult	Victim	TACKETT, DAKOTA WILLIAM					
DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)					
[redacted]	27	[redacted]					
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
White		Male	5'10"	220	Brown	Brown	
[redacted]		[redacted]	PHONE #2		PHONE #3		

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)					
Adult	Victim	KAMPHUIS, TRAVIS DUANE					
DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)					
[redacted]	39	[redacted]					
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
		Male	6'4"	220	Brown	Brown	
[redacted]		[redacted]	PHONE #2		PHONE #3		

REPORTING OFFICER	DATE	REVIEWED BY	
DANIEL BATTEIGER437	8/4/2024	RUELLE, TYLER JOSEPH	08/05/2024

Minot Police Department

CASE REPORT CASE#2024-00023085

515 2nd Ave SW

Minot, ND 58701

ADDITIONAL SUBJECTS

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)					
Juvenile	Victim	HIRSHFELD, ALLISON BETH					
DOB	AGE or AGE RANGE	[redacted]					
[redacted]	36						
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
White		Female	5'8"	125	Blonde	Hazel	
[redacted]		[redacted]	PHONE #2		PHONE #3		

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)					
Adult	Informational	PFENNING, MEREDITH KAYLYN					
DOB	AGE or AGE RANGE	[redacted]					
[redacted]	59						
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
White		Female	5'5"	200	Blonde	Blue	
DL NUMBER/STATE		PRIMARY PHONE	PHONE #2		PHONE #3		
[redacted]		[redacted]					

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)					
Adult	Victim	IMM Property Management,					
DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)					
		150 41ST AVE SE MINOT, ND 58701					
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
DL NUMBER/STATE		PRIMARY PHONE	PHONE #2		PHONE #3		
ND		(701)852-3648					

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)					
Adult	Informational	TESSENDORF, MYAH LUCIER					
DOB	AGE or AGE RANGE	[redacted]					
[redacted]	25						
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
White		Female	5'8"	120	Blonde	Blue	
[redacted]		[redacted]	PHONE #2		PHONE #3		

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)					
DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)					
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
DL NUMBER/STATE		PRIMARY PHONE	PHONE #2		PHONE #3		

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DANIEL BATTEIGER437	8/4/2024	RUELLE, TYLER JOSEPH	08/05/2024

Minot Police Department

CASE REPORT

515 2nd Ave SW

Minot, ND 58701

CASE# 2024-00023085

VEHICLES as INVOLVED

INVOLVED VEHICLE

VEHICLE ROLE: Suspect Vehicle — THERE IS NO MENTION OF HOW OR WHY THIS IS SUSPECT

VEH YR	TYPE/MAKE/MODEL	STYLE
2021	Dodge RAM 1500	Pickup Truck

PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR
918CPJ / ND	1C6RR7GG9MS598549	Red	

ADDITIONAL DESCRIPTIVE INFORMATION:

INVOLVED VEHICLE

VEHICLE ROLE:

VEH YR	TYPE/MAKE/MODEL	STYLE

PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR

ADDITIONAL DESCRIPTIVE INFORMATION:

VEHICLES as PROPERTY

PROPERTY VEHICLE

PROPERTY CODE: Damaged — VALUE: $500.00

VEH YR	TYPE/MAKE/MODEL	STYLE
2020	Ford ESCAPE	Carry-All

PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR
787DJX / ND	1FMCU9DZ5LUB76856	White	

ADDITIONAL DESCRIPTIVE INFORMATION:

PROPERTY VEHICLE

PROPERTY CODE: Damaged — VALUE: $300.00

VEH YR	TYPE/MAKE/MODEL	STYLE
2000	Honda CIVIC	Sedan

PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR
851DBC / ND	JHMEJ6672YS012031	Black	

ADDITIONAL DESCRIPTIVE INFORMATION:

PROPERTY VEHICLE

PROPERTY CODE: Damaged — VALUE: $300.00

VEH YR	TYPE/MAKE/MODEL	STYLE
2024	Kawasaki	

PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR
M31538 / ND	ML5EREP15RDAD3629	Gray	Gray

ADDITIONAL DESCRIPTIVE INFORMATION:

REPORTING OFFICER	DATE	REVIEWED BY	
DANIEL BATTEIGER437	8/4/2024	RUELLE, TYLER JOSEPH	08/05/2024

VEHICLES as INVOLVED

INVOLVED VEHICLE

VEHICLE ROLE			
VEH YR / TYPE/MAKE/MODEL			STYLE
PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR
ADDITIONAL DESCRIPTIVE INFORMATION			

INVOLVED VEHICLE

VEHICLE ROLE			
VEH YR / TYPE/MAKE/MODEL			STYLE
PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR
ADDITIONAL DESCRIPTIVE INFORMATION			

VEHICLES as PROPERTY

PROPERTY VEHICLE

PROPERTY CODE: Damaged			VALUE: $300.00
VEH YR: 2019 / TYPE/MAKE/MODEL: General			STYLE
PLATE / STATE: 509BKB / ND	VIN: 1GTP9EEL6KZ401586	TOP COLOR: Black	BOTTOM COLOR: Black
ADDITIONAL DESCRIPTIVE INFORMATION			

PROPERTY VEHICLE

PROPERTY CODE: Damaged			VALUE: $1000.00
VEH YR: 2018 / TYPE/MAKE/MODEL: Toyota TACOMA			STYLE
PLATE / STATE: N / ND	VIN: 5TFCZ5AN2JX158939	TOP COLOR: Gray	BOTTOM COLOR: Gray
ADDITIONAL DESCRIPTIVE INFORMATION			

PROPERTY VEHICLE

PROPERTY CODE			VALUE
VEH YR / TYPE/MAKE/MODEL			STYLE
PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR
ADDITIONAL DESCRIPTIVE INFORMATION			

REPORTING OFFICER	DATE	REVIEWED BY	
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Minot Police Department

CASE REPORT

515 2nd Ave SW

Minot, ND 58701

CASE# 2024-00023085

GENERAL PROPERTY

GENERAL

PROPERTY CODE			VALUE
Damaged			$1098.00
QUANTITY/UNIT OF MEASURE	PROPERTY TYPE/CLASS	SERIAL	COLOR
6 / Each	Building Materials		
ITEM DESCRIPTION			
16'X7' OVERHEAD DOOR X2 AT 1740 13TH ST SE X4 AT 3311 8TH ST NE			

GENERAL

PROPERTY CODE			VALUE
Damaged			$1404.00
QUANTITY/UNIT OF MEASURE	PROPERTY TYPE/CLASS	SERIAL	COLOR
3 / Each	Building Materials		
ITEM DESCRIPTION			
9'X7' GARAGE DOOR X3 AT 1740 13TH ST SE			

GENERAL

PROPERTY CODE			VALUE
QUANTITY/UNIT OF MEASURE	PROPERTY TYPE/CLASS	SERIAL	COLOR
ITEM DESCRIPTION			

GENERAL

PROPERTY CODE			VALUE
QUANTITY/UNIT OF MEASURE	PROPERTY TYPE/CLASS	SERIAL	COLOR
ITEM DESCRIPTION			

GENERAL

PROPERTY CODE			VALUE
QUANTITY/UNIT OF MEASURE	PROPERTY TYPE/CLASS	SERIAL	COLOR
ITEM DESCRIPTION			

GENERAL

PROPERTY CODE			VALUE
QUANTITY/UNIT OF MEASURE	PROPERTY TYPE/CLASS	SERIAL	COLOR
ITEM DESCRIPTION			

REPORTING OFFICER	DATE	REVIEWED BY	
DANIEL BATTEIGER437	8/4/2024	RUELLE, TYLER JOSEPH	08/05/2024

NARRATIVE

NARRATIVE REPORT

Case #24-23085
Matter(s) Investigated: CRIMINAL MISCHIEF
Person(s) Investigated: UNKNOWN
Officer Daniel Batteiger

On August 4, 2024 at about 0800 hours, I responded to 1740 13th Street SE for the report of several apartment garages which had been broken into. Later on after gathering information from 1740 13th Street SE, I was dispatched to 3318 8th Street NE for several more apartment garages which were damaged and where ultimately related.

Upon arriving at 1740 13th Street SE I observed sever damage to garage units 103, 107, 208, and 309. I met with Lacy Westwood the occupant of unit 103. Westwood stated she was notified by her neighbor. The overhead door was completely caved inwards and personal property had been clearly run over by a vehicle. Westwood was concerned that some of her personal property had been stolen. Ultimately in the case of all the garage units at both locations no items had been stolen.

I completed photographs beginning from east to west starting with the two garage units belonging to 1720 13th Street SE (208 &309). I was unable to inside unit 208 and there was no current record of it being assigned to anyone. Located directly in front of the door was skid mark associated with a vehicle tire. Directly across from 208 was 309. 309 had a clear dark red mark at point of impact. Furthermore inside was two vehicle with unknown damage.

Both vehicle were later identified around 1733 hours. (ND 787DJX & 851DBC) after owners had maintenance remove the door. The damage to the white Ford Escape (ND787DJX) was scuffs on the rear bumper and a dent on the right side of the lift gate. The damage on the black Honda Civic was paint transfer from the overhead door. Ford owner Maria Franco and Honda owner Tyler Dery were provided Marsy Cards.

Next photographs were completed of 1740 13th Street SE units 103 and 107. Inside 103 I located arear taillight lens pieces as well as more skid marks. One lens piece had a MOPAR stamp along with a partial part number. At the time it was unknown if a vehicle was inside of unit 107.

I provided Westwood with a business card referencing the case number before clearing and ultimately responding to 3311 8th Street NE.

I arrived and located garage doors 301, 306, 208, and 102 damaged. I met with Allison Sanford and Travis Kamphuis at unit 301. I began photographs from east to west starting with unit 208. 208 belonged to Dakota Tackett and parked inside his Hyundai Santa Cruz (OH JWE7467). The garage door did appear to come into contact with the Hyundai which was confirmed once inside.

Continuing with unit 306 which belonged to Austin Childress and located inside was his Kawasaki ER650 (ND M31538) which had fallen onto its side when the garage door was rammed. There was

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NARRATIVE (continuation)

a dent on the fuel tank, damage to the front end and rear all on the left side of the motorcycle. Also located inside was a gold Porsche (ND 861DVN) which belonged to his friend, Jhrad Russell. The Porsche did not appear to have any recent damage to it.

Unit 301 was crumpled inwards and visible damage occurred to the Toyota Tacoma (VIN 5TFCZ5AN2JX158939) belonging to Sanford and damage to the GMC Sierra (ND 509BKB) belonging to Travis Kamphuis. After Kamphuis removed the garage door it was pointed out the Toyota was struck hard enough to move it backwards (approximntyl 2') and it ultimately rested against a grill which was in the back of the garage. The Toyota had front end body damage and the tailgate had a dent and cracks to the left taillight. The GMC had minor damage to the front end. Located infront of unit 301 a mostly full taillight which matched that located at 1740 13th Street SE. Also the garage doors again had dark red paint transfer on them.

Unit 102 was located a few rows to the north and was unoccupied. Involved parties received Marsy Cards. I also met with property maintenance employee Nick Lee.

On August 5, 2024 I met and spoke with Meredith Pfenning, the property manager for 3311 8th Street NE. Pfenning was advised of the ongoing case and was provided contact information to send repair costs once she received them.

I then called and spoke with Myah Tessenadorf and employee with IMM in regards to 1740 13th Street SE. Tessenadorf was advised of the damages to the units. Tessenadorf advised me of another unit which was not initially reported. I responded and located unit 107 assigned to building 1720. The garage door was like the others destroyed. I completed photographs as well as observed the same dark red mark on the door.

Body camera footage available from camera #4.
No vehicle camera footage available.

END OF REPORT

Daniel Batteiger, Patrolman 437/8134
Minot Police Dept

REPORTING OFFICER	DATE	REVIEWED BY	
DANIEL BATTEIGER437	8/4/2024	RUELLE, TYLER JOSEPH	08/05/2024

Stefanie Stalheim

From: Harold Stewart
Sent: Tuesday, February 8, 2022 12:18 PM
To: Council
Subject: Fwd: Website Citizen Request

FYI in case any of the media decides to follow up on this.

Harold

Get Outlook for iOS

From: John Klug <john.klug@minotnd.org>
Sent: Tuesday, February 8, 2022 10:45:53 AM
To: Harold Stewart <harold.stewart@minotnd.org>
Subject: FW: Website Citizen Request

Harold,

Here is a copy of the communication received from Cass County. I also received a call from Grand Forks PD who received a similar email through their PIO email address. As I stated in the phone conversation, we are opening an investigation into the allegation of Lt. McLeod asking subordinates to cover for him during the time he was cheating on his wife. There are bits and pieces of this email that are true, however, much of the information is speculation and rumor that have developed over years of disgruntled employees putting their spin on my past. My Command Team and I are more than capable of making unbiased decisions and holding every member of our department accountable, including ourselves. Part of the reason I am still employed was that I was forthcoming about incidents of misjudgment in my past and have told the truth when questioned. I have nothing to hide about the truth about my past.

I'd be happy to sit down and discuss this information when you return to work. I think a face-to-face meeting would show you I have nothing to hide.

JK

Chief John Klug
City of Minot, Police Department
Office Phone: 701-857-9800

FBI-NA 258

From: Jason Sundbakken <jason.sundbakken@minotnd.org>
Sent: Monday, February 7, 2022 1:10 PM
To: John Klug <john.klug@minotnd.org>
Subject: FW: Website Citizen Request

Chief,

This is the email that I told you about earlier that was sent to me from Cass County. I don't find anyone with this name in our local files or anywhere else so I assume it is not his real name or maybe a partial.

Captain Jason Sundbakken
City of Minot, Administrative Commander
PO Box 5006, Minot, ND 58701
Office: 701-857-4716
Email: jason.sundbakken@minotnd.org
City of Minot Website
Official Facebook Page

From: Haaland, Dean <HaalandD@casscountynd.gov>
Sent: Monday, February 7, 2022 8:53 AM
To: Jason Sundbakken <jason.sundbakken@minotnd.org>
Subject: Fwd: Website Citizen Request

Caution: This message has originated from an **External Source**.
Please use proper judgement and caution when opening attachments, clicking links, or responding to this email.

Get Outlook for iOS

From: noreply@casscountynd.gov <noreply@casscountynd.gov>
Sent: Sunday, February 6, 2022 10:20:32 PM
To: Haaland, Dean <HaalandD@casscountynd.gov>
Subject: Website Citizen Request

CAUTION: EXTERNAL EMAIL

A new entry to a form/survey has been submitted.

Form Name:	Contact Cass County Sheriff's Office
Date & Time:	02/06/2022 9:20 pm
Response #:	988
Submitter ID:	22680
IP address:	2001:48f8:405d:1070:a0a2:4ea0:346d:e340
Time to complete:	0 min. , 50 sec.

Survey Details

Page 1

Please feel free to contact us with any comments or questions.

Responses to your comments or questions may take up to 3 business days.

First Name	Greg
Last Name	Will
Email Address	bleedingblue2.0@yahoo.com
Phone Number	Not answered
Comments	

What's going on at the Minot Police Department? So here's a story for all.

Who is going to investigate the cop that investigates cops? Yes, that's right the Minot Police Department has a dedicated a lieutenant who conducts internal investigations on other police officers and his name is Matt McLeod. So why does McLeod need to be investigated? Well it all started 3 or 4 years ago. McLeod, who is married and has 3 children, and is still married, his wife knows, had an affair with another woman. I could reveal her name so you could fact check it but I do not believe she or her family need to be blown up by McLeod's poor judgement. If anyone can provide a good reason for such justification, I am willing to listen. Moving forward, during this time McLeod was a sergeant assigned to the investigations division along with being the SWAT Commander. As the SWAT commander he supervised the entire SWAT team along with the Negotiations team and any officer who fell under SWAT's command in any given incident. That being said his position has a lot of supervisorial reach and influence.

McLeod would frequently tell the officers that he directly supervised (investigators and SWAT operators) and those who he supervised as a SWAT Commander to cover for him. What he would do is tell those who he supervised, "I had lunch with you on Friday," or any particular day of the week, even though they did not have lunch with McLeod at all. This was because he was with the woman he was having the affair with and he did not want his wife or anyone else to know. So, to be factual McLeod is a supervisor that told his subordinates to lie for him. That is a direct order that must be followed even though it is immoral but not illegal. How does a Police supervisor in such a highly regarded position do such a thing? How many times did this happen? How many different officers did McLeod put in this disgusting position? Did they feel forced to lie for their supervisor? Or were they forced to lie by their supervisor? Is this a policy violation or a violation of the oath McLeod took? Or both? This action is immoral, lacks character, and is not something a tax paying citizen should expect from a supervisor at the Minot Police Department of such high regard.

So what was McLeod doing on those lunch breaks that he needed a subordinate officer to lie for him? It was an affair, so was he having sexual intercourse? Isn't that behavior unbecoming of an office of the law to have sexual intercourse on his lunch break while being paid by tax payer dollars? Or at least a policy violation? It is definitely unbecoming of an officer to tell a subordinate to lie for you so you can do something immoral. At least these have to be policy violations worthy of nothing but righteous consequences. So who is holding McLeod accountable?

McLeod was promoted to Lieutenant and assigned to the patrol division. The affair ended because one of McLeod's kids found his second cellular phone that he used to contact the "other woman" he left in the bathroom and gave to McLeod's wife. McLeod was then assigned to the standards Lieutenant who investigates other cops for misconduct, illegal acts, immoral acts, and policy violations. A cop assigned to this position should be of the highest moral regard and character. Having an affair with a married woman, being married himself, and ordering his subordinates lie for him does not strike me as in high moral regard and character, or in any position to investigate other officers.

So who is going to investigate McLeod? The captain of investigations? That captain is Dale Plessas, McLeod's brother in-law. That's Definitely a conflict of interest. The Captain of Patrol? That captain is Justin Sundheim who was the SWAT Commander before McLeod. McLeod was Justin's right had man for several years when Sundheim was the commander. That's Definitely a conflict of interest. How about the chief at the Minot Police Department? John Klug? Let's talk about Klug. In 2005 Klug was a Sr. Patrolman assigned to the Ward County Task Force (WCTF). Klug was assigned to have a work vehicle as a part of his assignment to the WCTF which is an under-cover investigator position. Klug was known to drink alcoholic beverages and drive his government vehicle and did this on several occasions. I believe this is illegal and most definitely a policy violation. And how many times did this happen? Several times!

One fateful night Klug was intoxicated driving from Minot hotel to Minot Hotel looking for Maggie Tygart. Klug wanted to have a relationship with Tygart and Tygart was reportedly at a party at one of the hotels in Minot this fateful night. Klug

would drive while intoxicated to each hotel, get out and pull out his official Minot Police Department issued Badge and present it to the Hotel clerk and ask if Tygart had rented a room at their hotel. What sort of investigation was Klug conducting? Klug would need to be conducting an investigation or witnessing a criminal act to use official police powers or using his badge and asking for confidential information. You guessed it, there was no investigation and Klug was breaking the law along with actions unbecoming of an officer.

How many policy violations were violated as well? This happened at several hotels in Minot that fateful evening. At some point one of the hotel clerks thought this was wrong and called the Minot Police Department to report this criminal act. Minot Police Department officers responded to several hotels trying to catch up with Klug on his drunken rampage. Finally, Dave Chapman caught up with Klug at a Minot hotel and had a confrontation with Klug who was uncooperative. Klug did in fact get into the back Chapman's patrol car. Chapman was transporting Klug back to the Minot Police Department as ordered by the shift commander. Chapman happened to stop at the intersection by the Ward County Court House. Klug, while still intoxicated, jumped out of Chapman's patrol car and was more than uncooperative. Klug then brandished his pistol in a manner so much so that Chapman drew his service pistol and ordered Klug to put his gun down. I am not sure if Klug actually pointed his gun at Chapman or how exactly Klug brandished his pistol to Chapman, but I do know Chapman drew his pistol on Klug. This fact means Chapman must have felt threatened enough to the extreme point to draw his pistol on another cop. How incredibly insane and unimaginable is it that Chapman, while in uniform and on duty had to draw his duty pistol on a fellow officer from the same department? That's hard to believe!!!!

How many laws did Klug break that fateful night? How many policy violations did he commit? How does Klug still have a job? Why wasn't Klug charged? How could Klug put Chapman in such a disturbing position? How can Chapman ever trust Klug again? How can anyone trust Klug again? Why would Klug pull/brandish his gun on another officer?

Chapman is well respected and is a high moral and high character officer with the Minot Police Department. Why did Klug do this to him? It is still extremely wrong for Klug to pull/brandish his pistol on any law enforcement officer of any stature, but Klug made the decision to pull/brandish his pistol on a highly regarded and respected Minot Police Department Officer. Why? What does that say about Klug? Is that completely and unconsciously reckless? At least one could say Klug's actions where dangerous, rash, and out of control. Is that what the City of Minot needs as a chief? Does any city or town anywhere want a chief like that?

Steve Whitesel was the shift commander that evening and ordered Chapman to bring Klug back to the Minot Police Department. Whitesel contacted Jeff Balentine (captain of Patrol at the time and then later became chief) to inform Balentine of the situation. Scot Redding was working this evening and has direct knowledge of the incident. Furthermore, the hotel calling into the police department would have generated a docket entry of the incident which is public knowledge and must be saved. It is illegal to delete any of this information. It can be made private for criminal cases or medical purposes or special situations but the public has a right to look at the docket entries. Contact them fact check me, please. Furthermore, here is a list of law enforcement that have knowledge of the incident, Scot Redding, Steve Schoenrock, Curt Smith, Shannon Lackey, Cassidy Halseth, Margie Ziets, Steve Whitesel, Steve Kukoski, Paul Burns, Mike Marcus, Chad Eagleson, Jordan Thompson, Rob Brown, Willy Gram, Fred Debowey, Al Hanson, Bill Brown, Steve Nieber, Jeff Budda, Travis Anderson, Dan Strandberg, Scott Weston, TJ Huber, Dave Goodman, Howard Fisher, Daren Dyke, Cole Strandemo, Craig Sandusky, Brock Laskosky, Charles Johnson, Jason Olson, Jason Sundbakken, Bob Bernard, Steve Kenny, Shane Haug, Shawn Wegner, Tyler Ruelle, Levi Lockrem, Rob White, Winston Black, Larry Haug, Barb McPeak, and many more that are currently employed by the Minot Police department and are afraid of losing their jobs. (Redding, Whitesel, and Kukosky work at Spartan Arms if you need help getting into contact with them) I would like you to fact check me and discover the truth. Just think this is our chief of Police in Minot. Shouldn't the Chief of Police in any city be someone of the highest moral and professional regard?

Furthermore, Klug was at an out of town training with a few other Officer's in another city. Klug was rushed to the hospital in an emergency as he was overdosing on wine and prescription drugs (pain pills). Regardless if the prescription medications that were prescribed to Klug or not, Klug needs to have the moral integrity and knowledge to know NOT to mix alcohol and prescription medications. Common sense right? At least common sense for a chief of police? Is this behavior expected and condoned at any time for someone who is aspiring to be the chief of police? Is this good decision making to mix prescription drugs and alcohol no matter who you are? Even if it was a mistake, this action is still very poor judgement. There are labels on prescription medications saying to not mix with alcohol! Is this the kind of judgment the city of Minot expects of the Chief of Police? Fact check me, call or meet with those guys listed about.

Finally, Klug was at the North Dakota Police Officer's Association (NDPOA) annual training. Once a year the NDPOA puts on a law enforcement training for law enforce at a specific town or city over a specific period of time. As you guessed it Klug was drinking alcohol again at this training. Now, this incident was after training hours, so Klug was "off the clock" but still in representation of the Minot Police Department. Several officers were also drinking alcohol at a designated location where alcohol could be consumed legally. Klug was drinking alcohol with his subordinates. Generally speaking, it is not good moral and professional practice to consume alcohol with subordinates within the police profession let alone any other profession. Is this a good decision but a supervisor?

Soon after, Klug got into an argument with one of his subordinates who was also consuming alcohol. The argument almost leads to a physical fight, with Klug refusing to back down, but the potential fight was broken up by other officers. When Klug returned to the Minot Police Department, Klug tried to have the other officer fired over the incident.
Now that doesn't seem right? What was Klug doing drinking alcohol with a subordinate? Is that a policy violation? Is that behavior unbecoming of an officer in a supervisorial position? Or is it just poor judgement? Is this who we want as a Chief? Well the officer was not fired and was able to tell his side of the story which was substantiated with Klug's history of drinking too much alcohol and having poor judgement while being employed and representing the Minot Police Department.
So should Klug investigate McLeod when he put McLeod in the position of being charge of investigating other cops? Is Klug even morally, ethically, integrally in position to even be employed by the Minot Police Department? I wonder if Klug disclosed any of the above noted incidents during his interviews as he was promoted through the years? More over did Klug disclose this information during his interviews for Chief? What else is Klug hiding? What other poor judgements on Klug's part do the citizens of Minot need to know about?
Once again fact check this information and release it to the public and the proper authorities so that a fair and legal investigation can be conducted. Outside agencies have tried to conduct fact finding investigations in the past but have not revealed the truth. It is clear this cannot be investigated by the Minot Police Department. I would love to reveal my identity but I am afraid of retaliation along with losing my job. Conduct your investigation, interview the above listed as they may have information to any or some of the facts listed above. Release it to the public they have a right to know and contact the BCI or the attorney general as some of these acts are criminal and they would be the best investigate these matters. I would guess the mayor and city council of Minot have no idea what's going on in their largest city department. Once again the docket is a record that is open to the public and could reveal even more people with first hand and direct knowledge of these incidents. Why things were swept under the rug is beyond me. And why Klug was allowed to advance to the level of Chief is unbelievable! Fact check me!!!!!!!Please!!!!

I have sent this letter to several media outlets, act on it quickly, and I hope that competition will breed a good and factual release of information to the public!!!!I just want the truth to be revealed and justice brought to those that deserve. The people of Minot deserve better. The people of Minot deserve the truth.
Find the truth and tell 100% the truth.

Would you like to be contacted regarding your comments?

(o) Yes

How do you prefer we contact you?

[x] Email

Thank you,
Cass County, ND

This is an automated message generated by Granicus. Please do not reply directly to this email.

February 11, 2022

Mayor, Council Members, City Manager, and HR,

First, I would like to thank Mr. Stewart for providing the email you all received and allowing me the opportunity to respond to the items that were "vented" to each of you. I spoke to this officer the day he turned in his resignation letter as I heard he had some issues with the leadership within the department and I wanted to hear firsthand what those issues were. I, of all people, do not throw stones as none of us are perfect, and I truly wish he would have given us all the opportunity to understand his issues before he had already decided to leave the department. I will also leave his name out of this email and speak to any of you individually if you'd like to know who it is that sent the email. I will go one section at a time to ensure I cover each issue thoroughly and as completely as possible.

- This officer was with our department for 2 years 8 months and did not have prior law enforcement experience. He has served in the Army Reserve in the capacity of First Sergeant, so he does have some life experience, but does not have the unique understanding that law enforcement brings by way of leadership challenges. In his early days with the department, he was identified as a "chronic complainer" by his peers, first line supervisors (sergeants), and middle managers (lieutenants). He regularly complained about the way fellow city employees were parking in the parking lot, confronted them, and threatened to write tickets. (We did have an issue with parking, but that was being handled through the department heads and City Manager and has gotten much better.) In my conversation with him, he told me he wanted his supervisors to tell him he was doing a good job on a regular basis and not just tell him what he does wrong. He claims he "did everything right" and he received the shotgun emails about what officers needed to fix. I would question that he did do everything right, but even if he did, some issues are addressed by explaining the problem and new procedure going forward (if something changes).

- To the point of our "very large paychecks" I would challenge that we conduct pay studies, market surveys, and have come a long way to competitively pay all of our employees. We do make more money as exempt employees, but we also do not get compensated with time or pay when we work extra hours, and every member of my Executive Team falls into this category and works more than 40 hours per week. I do not get any complaints from them, much like the City Manager does not get any complaints from me about the number of hours I work.

- The officer workspace is in the process of an upgrade, which is why the previous counter was torn out. We have a stainless-steel table ready for installation, but the stainless-steel wall covering that was supposed to be fabricated to assist in making it easy to clean and disinfect was not readily available as the vendor told us. Therefore, the project is on delay until that comes in. The fact that this officer would say that this space was for storing

lunch boxes and "drugs are weighed" is exactly what we are trying to prevent. With the increase of fentanyl in our community, it is a terrible idea to store your lunch where you process your evidence and drugs. The possibility of contamination is high and that is a dangerous situation for all. We are putting in the stainless-steel table so any drug residue can easily be wiped off after completing the evidence processing.

- The carpet in the Chief and Captains offices was replaced in 2021, one year later than originally planned. This was due to areas damaged and frayed to the point it could no longer be vacuumed without wrapping strands of carpet into the vacuum cleaner. This was a hard decision for me to make as I wanted to avoid the perception, we are more important than our officers and other staff, but it was done out of necessity, not to make our area better than theirs. Quite the contrary, we have delayed projects because we don't want to invest a lot of money into the building not knowing what may have to be remodeled when we take control of the entire complex.

- To the point of our lack of visiting with those among the ranks to solicit their input, this officer forgets that for 2 years of his 2 years and 8 months, we have been dealing with the Covid pandemic. This has caused eliminating briefings at various moments in time, reducing the meetings, and social distancing. These "meetings" take place in informal settings around the PD daily. Many days when I have plenty of work in my "cushy office" I choose to lead by wandering. This concept allows me to interact with my employees in their space and ask for feedback. During the process of deciding to remove the counter and deciding what was needed in that space, the 3 captains and I visited with a few officers who passed through the area, and we asked them what they needed and what would be better for them. That is leadership. The fact that he was not the one we asked does not diminish our efforts to solicit information in the moment of decision-making.

- Many times, leadership and management go hand in hand. I recently defined the levels of supervision within our department to ensure that everyone understood who the supervisors are. My Executive Team, made up of myself, 3 captains, 5 lieutenants, and the PSAP Manager, are at the level where we must both lead and manage daily. We cannot completely abandon the duty to manage our personnel and staffing or we would run the divisions into the ground and the service to the community would fail. The lieutenant has worked a number of days and nights and been on the street with his officers in that capacity. This occurred on days and times they should have been off, but was done to ensure the adequate coverage of patrol to the city, but again, I don't know that this officer was working the same day to witness that taking place. The "patrol commander", which is actually the Operations Commander, was also prepared to put on his duty gear and go to work where needed (part of his job) as we hit a spike in Covid cases in January when I address the Council about the situation at the Police Department. And, if needed, every one of my commanders and senior staff members know that I will drop what I am doing to lend a hand to accomplish our mission. To that end, each person in the department has their role to fill. They do their job as it has been assigned to them without question. Earlier this week I was on my way to refuel my vehicle and a welfare check was dispatched just a few blocks away. I could have easily continued with my

plans, but instead, I responded with another officer and spoke with the person suffering from a medical condition. This is not uncommon for me, but one thing that is common when I make this decision is for an officer or sergeant to show up and say "take off, I got this" or something along those lines.

- Since there is a large paragraph about leadership, management, supervision, and promotion; I will try my best to cover this topic. All of you were briefed about the situation with the lieutenant who resigned her position with our department following an incident in a bar. This was not predicted or expected, she simply self-destructed and chose to move on to another career outside of law enforcement. That lieutenant had many good qualities and one of them was holding people accountable, which is the very thing this officer says isn't happening. The reason some people did not like her was because they were held accountable. Then reading further into this officer's complaint about leadership he talks about bringing issues to his current lieutenant and they go nowhere; the opposite to the previous issue and he's also not happy with that response. I know all of you are aware that there are many types or styles of leadership. I firmly believe that our department is great because all our leaders are a little different. My Command Team each bring a variation of leadership qualities. My Executive Team also has a range of styles and qualities. Every leader is a person first, some have more experience, and some have less. I know you are also all aware that our department is young and inexperienced. The "kid" that he refers to was promoted to sergeant later in his career than Sgt. Noyes, who is referred to as one of the leaders he thinks is great. Both officers started their careers on the same day. I hired them both and know their potential. They will both be great leaders as they learn their role in the department.

- I think this officer speaks out of both sides of his mouth in reference to the lieutenants on patrol. First, he complains that the 2 lieutenants (under the old schedule) worked the overlap together and didn't do anything except sit in the office and visit. I will admit, in some cases this was true, and we saw this as a waste of leadership. Lieutenants are administrators when they reach that level. At that time there were 3 lieutenants, one on each shift, and it seemed there was more middle management than needed to manage the Patrol Division. The lieutenants help schedule our personnel, manage personnel issues, address complaints from officers about workflow and equipment needs, and help make decisions that provide direction for our entire department. They are not patrol officers, but they will fill that role if necessary. Each department across the state and nation is a little different in how they operate, so I don't think an outsider observing for a few hours really has the full scope of what our department is about. Now, there are 2 patrol lieutenants who work Monday – Friday and manage all day to day needs of the Patrol Division. They are not assigned to the Administration Division, but they are in an administrative role within the department. The sergeants are responsible for the supervision of the officers in the field and have been given the authority to make decisions, supervise, and lead their officers, a power that was stripped from them over the years and it is now being shifted back to them, so we truly utilize them as supervisors and leaders.

- The professional standards position was put in place shortly after I took over as Chief in 2020. This position is not outward facing. That lieutenant works directly for me and does more than review use of force reports. Some of his other duties include background checks of new employees, internal investigations, research and review of citizens complaints, policy review and recommendations, and exit interviews. He also works on projects as I assign them to him. If he ever hits a point where he doesn't have something to do, which is rare, he will ask me if I have anything that needs to be done. He is also the SWAT Commander, and that position allows him some time to ensure his team and their equipment is ready to go when needed.

- To the point about mental health, you all heard my desires for more funding in this area so we can ensure our officers get the care they need. Multiple meetings were held by the Operations Commander (who oversees patrol and dispatch) at various times and days where ONLY patrol officers were allowed to attend and speak with him. This officer did not attend any of those meetings.

- In this email he says "department training is laughable"; however, when he met with the Professional Standards Lieutenant for his exit interview, he said he feels the training he received was good. It appears he is either exaggerating how bad things are in the department or he really was not willing to address issues face-to-face within the department the way he claims he did. He never came to me with his problems or concerns, and all employees are told how the chain of command works. If their issue is not being addressed at the lowest level, elevate it to the next. If it's a serious issue that is not being addressed, talk to the chief. It's simple and I have never turned an employee away.

- To the point about comp time, the ability to earn comp time is not accurate. We have recognized that not controlling comp time only compounds our problem as the more time we give officers off when they are scheduled to work, the more overtime we pay to cover those shifts. Our supervisors do not deny staff from using their comp time unless it is requested near their scheduled shift and a replacement cannot be found to backfill their shift. Most officers look at the schedule and assume if their shift is at minimum, they choose on their own to not make the request. That is usually done out of respect for their fellow officers. All employees are under the same guidance pertaining to comp time and even through they may not get compensated with time, they are compensated with overtime pay. They are fairly compensated for their time worked.

- I would argue his point about lack of recognition by supervisors to the point that I had a plaque from the ND Peace Officers Association on my desk that I had just received earlier this week. This award was applied for by one of his patrol lieutenants and had just been granted by the NDPOA Board. I presented that award to him at the end of our conversation as I knew a more public or formal setting would not be possible since he was turning in his equipment the next day. Along with that, during the process of preparing his personnel file for HR, I also found other letters of recognition addressed to him.

- Last, but not least, this officer has made our department out to be a terrible place to work. So bad, it drove him to quit without having serious conversation with any of his supervisors. Most of his complaints were done in passing without having a direct conversation about the problem. His supervisors thought he was venting his frustration with some minor issues, not looking for solutions. To his point about his peers who could not provide him a reason someone should work here over another organization. I do not know the context that question was posed or who was asked, but as I stated earlier, he has been considered as a chronic complainer by even his peers. Maybe they did not want to provide a reason or maybe they have never taken time to ponder that question because they enjoy their employment here. That, we will never know. I can say this for sure. On January 31, 2022, we hired 3 new officers who are currently in training. All 3 of those officers came to us from other agencies in the State of ND. If it is so bad here, why would they choose Minot PD. Why give up the 7 years you already have vested in another agency? In the past few years, we have also hired a sergeant from Devils Lake PD, a deputy from Ward County SO who also had prior law enforcement experience, a trooper from the ND Highway Patrol, and a detective from the Los Angeles County Sheriff's Office. So again, I would ask each of you, if it is so bad here, why do they choose Minot PD for a career?

Once again, I would like to thank the City Manager for allowing me to provide each of you my point of view on the email you received. One thing he told me during my conversation on Wednesday was "This was never going to be my retirement gig. I'm done being a hero." This was disturbing to me, and I simply told him if he was not happy here, then it was time for him to move on and find something that he was satisfied with. I have never thought I was a hero, and never will, regardless of what may happen the rest of my career.

I always welcome each of you into the Police Department at any time to observe how we operate. If any of you want to observe a meeting of my Executive Team or Command Team, please let me know and I will inform you as they are scheduled. My department does not function with one person or one division in mind. We each have important roles and responsibilities and many times those around us do not know every detail of our daily tasks. This officer focused on himself and patrol, but we have support staff, detectives, municipal court, dispatch, and many other responsibilities. I consider each of them when making my decisions to ensure the benefit of any change or decision is greater than the risk of making things worse. Have I gotten it wrong? Yes, I have, and I have adjusted and moved on to make it better. Sometimes failure is how we achieve success.

Thank you for your time and my apologies for such a lengthy letter of explanation, but I am very passionate about the police department, and I need to stand up for the great officers, staff, and leaders I get to work with every day.

Sincerely,

John Klug
Chief of Police

Lisa Jundt

From: Kelly Hendershot <kelly.hendershot@minotnd.org>
Sent: Wednesday, July 13, 2022 3:15 PM
To: Lisa Jundt
Subject: FW: venting upon exit of employment

From: Harold Stewart <harold.stewart@minotnd.org>
Sent: Thursday, February 10, 2022 1:54 PM
To: Lisa Jundt <lisa.jundt@minotnd.org>; Kelly Hendershot <kelly.hendershot@minotnd.org>; Mikayla McWilliams <mikayla.mcwilliams@minotnd.org>
Subject: FW: venting upon exit of employment

FYI

Harold Stewart

City of Minot, City Manager
harold.stewart@minotnd.org
Phone Number: 701-857-4750
Cell Number: 701-833-3860

Members of Governing Body: In order to avoid inadvertent open meeting violations, please refrain from hitting "Reply All" with questions or comments relating to any public business. Any discussion (email, text message, telephone call, in-person, etc.) regarding public business between members establishing a quorum of any committee or of the full council constitutes a "meeting" under North Dakota open meeting law and requires prior notice of the date, time, location, and agenda topics to be discussed.

From: robertpeele1 <robertpeele1@protonmail.com>
Sent: Thursday, February 10, 2022 12:21 PM
To: City of Minot - Mayor <Mayor@minotnd.org>; Carrie Evans <carrie.evans@minotnd.org>; Stephan Podrygula <stephan.podrygula@minotnd.org>; Tom Ross <tom.ross@minotnd.org>; Mark Jantzer <mark.jantzer@minotnd.org>; Lisa Olson <lisa.olson@minotnd.org>; Paul Pitner <paul.pitner@minotnd.org>; Harold Stewart <harold.stewart@minotnd.org>; HR <hr@minotnd.org>
Subject: venting upon exit of employment

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Hello everyone,

I would like to start off by saying that Minot is a fantastic and underrated community. The purpose of this message, while seeming like a bitch session is to help the city and the department fix what can be hopefully easily fixed. With that being said, the Minot Police Department is in desperate need of some help. While my time has been short, it is been sadly disappointing. From the start, I was able to easily identify that employees were not valued by supervisors and staff. If you wanted to feel as easily replaceable as a french fry cook at McDonald's, that is what working at the Minot Police Department feels like. Unlike McDonalds, they actually at least pretend that they are

concerned with retention of employees, whereas at the MPD, our so called "leadership" could care less. That is as long as they collect their very large paychecks, don't have to leave their cushy offices with their flat screen televisions mounted to the wall for god knows what, with their new carpeting in their areas. That doesn't sit well with many of the regular officers, who had their only designated work area, literally a hallway, partially demolished. The table where evidence is processed, their printer was kept, drugs are weighed, patrol gear is gone through and set up, people's lunches boxes get stored, was removed and has been gone now for weeks. Why remove this critical work area, if they are not ready to immediately replace it? Finally someone at least had the common sense to find a small table to make do. I would guarantee that if you went into any supervisor or "leaders" office and removed their desk, they would immediately start complaining. Patrol just gets to "deal with it" as several officers were told by their supervisors when they asked about the table being removed and not replaced. Of course all the equipment that was in the patrol hallway, printer, phone, scanner, scales, and many other things then got placed into the already overflowing patrol officers storage and equipment room.

Onto the self proclaimed "leadership." Lets not mince words, the top brass at the police department are at best "management." To be blunt, they don't lead whatsoever. If leading is sending out the occasional email, and attending several meetings then I guess that would qualify, but it doesn't. Hearing stories of other well run departments where the Chief and other command staff come down and regularly visit the ranks and ask for input is amazing. They know their people, what their needs are, and things that need their attention from the bottom up. Not here in Minot, even the "Patrol Commander" hasn't actually patrolled or worked the streets in almost a decade. It's hard to have your finger on the pulse of the division you are supposed to run if you have no idea what is going on. Sure you can read reports but that isn't nearly the same as experiencing it. I just find it strange that other agencies top leadership can gear up and go out on the road but not here in Minot. Agencies with three times the number of personnel can make it happen, it might have to do with the people in charge making it a priority to stay connected to their personnel. I would assume that the supervisors in charge of the street department go out on occasion and see how the streets are? The same with the water, traffic, and other departments. The Cass County Sheriff in Fargo went in and worked Christmas since they were shorthanded. That is an agency well over twice the size of MPD. This is also not unique circumstance for them or other certain agencies across the nation. With how shorthanded Minot PD has been lately, I never saw any of our "leadership" outside of in the hallways, let alone seeing them volunteer to help with manpower and do "police work." Instead patrol officers were and still are forced to stay on and work mandatory overtime over and over again. This has not helped morale in the department which is quite low. I asked 9 other officers in the MPD why someone should work for the Minot Police Department over any other agency, and not one had an answer. I would challenge any of the so called leaders to name three personal things about those in the lower rank in their chain of command. If it wasn't posted on a social media site, I would strongly doubt many would know much about the officers they work with and should obviously know, unless they were friends before they promoted.

On that same line, MPD has no coherent recruitment plan. The pamphlets they have are nice but this isn't the old days pre-internet. The department booth set up at the State Fair was a joke. Anyone could sign up, and many slots were filled by people that were not exactly putting the department's best foot forward. The social media accounts of the department are mediocre at best. This is what people who are looking at the department as a possible place of employment would likely go to research. It would seem that these sites are being managed by someone stuck in the past and more comfortable with a typewriter, than a computer. If you haven't seen Fargo PD's fantastic recruitment video, you should look it up. It is also located on "their recruitment" social media sites.

There are many people within the Minot PD that have great ideas and things that would benefit the department. When several of these people have mentioned that there isn't a way for them to submit their ideas up the chain of command, they were told by superiors that the last thing the department needs is to have their unsolicited ideas put forth. It would only cause more issues. This killed their motivation to help the department. Instead the department relies on meetings of "supervisors." These meetings are not open to non supervisors and pretty much useless according to the supervisors themselves. They are highly unproductive and turn into bitching sessions. Even then, top leadership usually already has their mind set and so the meetings appear to be pointless. The results of these meetings very rarely improves anything with the rank and file and often makes things worse. Now the supervisors themselves are not necessary the optimal people in the department. There are quite a few that would make poor Senior of Master Officers but due to high turnover and lack of interested people in testing for supervisor(over half of qualified candidates) they have been promoted. If you ask around the same names will come up over and over again. I won't even touch on the disaster one of the last lieutenant was that everyone apparently saw coming. I was not very familiar but If you ask around or look on certain social media sites you will find out. The video of that particular person threatening to use their power to close down a bar, fight fellow patrons,

and then kicking a state trooper in the groin was a favorite. From what I heard no one that knew that officer was surprised, only that the obviously worst candidate for the lieutenant was selected. That apparently caused shock throughout the lower ranks of the department, that someone who was notoriously hostile and abusive towards other officers was selected over more qualified candidates. On the same topic of lieutenant's, officers were surprised on a good note when they were told that the shift commander's desk would no longer have to be manned 24 hours a day. This had made no sense to many as phone calls can be transferred to cellular phones easily and reports could be reviewed on the same in car computers that officers usually use to write them on. It ended up being someone hanging out watching YouTube or as other officers had said, two lieutenant's on overlap would just sit around chatting and not having to do any work. If someone would come into the department to file a report, they would literally call a third officer in to take the complaint. I heard the story of a senior leader from another major agency, that did a ride along observed, it appeared as though the MPD supervisors promoted out of being police officers and into being "lazy f*cks." That leader stated that the lieutenant's should turn in their badges and go work next door at water billing if they want to sit around and not do police work any longer. This is not a unique situation and has been the case apparently for well over a decade. Supervisors are here are not the same as many other departments. Other agencies such as Grand Forks and Fargo even lieutenants would regularly go out and make traffic stops and make the occasional arrest. That hasn't happened in Minot according other officers for a decade or longer. Why should they put in the extra work and put themselves at risk when it isn't required? The easy answer would be that would be what a real leader would do instead of placing their comfort and safety above that of the people they are in charge of. Even many of the sergeants often don't take reports, push arrests off on lower ranking officers, and enjoy many perks of their positions, essentially promoting out of doing difficult work, instead of having to work harder and earning the extra pay with the responsibilities. Some officers have said that there have been as many as four supervisors hanging out in the office not doing anything but the minute someone comes in and needs a report filled, they call an officer off the road to take it. The excuse was just in case they needed to supervise an incident. Well that excuse apparently didn't apply to weekends, as the lieutenant's made the shift schedule and like all good "leaders" chose to give themselves every weekend off. Since they worked the same length of time as regular patrol officers, they got to enjoy three day weekends, every weekend. Lead from the back, the way far back. Well back onto the "new plan." When the desk was no longer to be manned 24 hrs a day, officers expected that the lieutenant's, shift commanders, would come out onto the road and work patrol with them. This brought excitement as they thought that it would help the lieutenant's experience the issues they were facing everyday. Instead the department was shocked when the lieutenant's were removed from the patrol shifts altogether. There were assigned to the administrative division and basically turned into highly overpaid secretaries. Two of the lieutenant's now do the job one decent administrative assistant could perform for 1/4 of the pay. The other was assigned to the "office of professional standards." No one is quite sure what this lieutenant does with the extra 38 hours of his time every week that isn't spent reviewing use of force incidents and pushing out canned policy training bulletins. Once again this position has no reason to be a full time position and could easily be an additionally duty for one of the high paid lieutenant's. Instead the department has saw fit to expand the bureaucracy and create more office jobs, that took valuable positions away from patrol. There are a few, really good strong leaders within the department, but unfortunately they are a minority, and will likely burn out or will gravitate to becoming like the others who do more harm than good to the department. These care more about ticket counts, their personal standard on the narratives on reports, and other useless things. Officer development no, mental health and wellbeing here is an email and an occasional meeting that few can attend, department training laughable and only meant to check boxes, proper working area for patrol_ enjoy your hallway and stay out of records and the supervisor areas, properly set up patrol cars no get used to the hodge podge of recycled equipment and who cares of you can't drive a police car like you are being trained to due to poor mounting of equipment in the vehicles, can't access the rifles or shotguns due to them being wedged behind poorly placed things well that is just too bad.

Getting rid of the ability to earn comp time for things in lieu of pay was a major blow to morale. As workloads and mandatory overtime has increased, people that are already forced to miss birthdays of children, family holiday gettogethers, anniversaries, and are so on, valued more time with loved ones than money in most cases. Now in an effort to make things easier on the city, this ability to earn time to do these things has been diminished. While yes people still have vacation time, when you work every weekend for a month, you miss a lot of quality time with family and friends. This adds to the extreme stress these people experience on a daily basis. It was mentioned that it costs extra money to pay people overtime to come in and cover this compensation time, but rarely has that been the case, as many supervisors refuse to allow it to be taken when scheduled manning doesn't allow it. Have to take time out of your day off to attend court, mandatory training, administrative hearings, and other things well here is some money to replace your valuable time. Money can't buy time back. This was a very poor decision that has caused significant morale issues and beaten down people already down.

On the topic of supervisors, it's pretty sad that the last promotion for SGT was given to someone who assaulted a handcuffed prisoner, an incident that the investigation apparently led to the firing of another officer. He was also known for not getting along with others so why not pick him. I mean striking a handcuffed person is a very tough situation to control. They obviously will do well with the pressure of supervising and managing others. The one promoted before that, is an immature "kid" who has exactly zero leadership qualities. From speaking to others, this person was only selected because he has been around for a while and tested multiple times, so he became familiar with the process. There are several brand new hires that display more potential. I guess it fills a spot, so why shouldn't the department continue on with it's mediocre qualities. This isn't to say that the patrol officers are not great, many are fantastic and represent the best of the community. They just deserve so much better than how they are treated. I would expect the majority of them to become burnt out and bitter over the course of the next few years at the rate things are going.

Sent with ProtonMail Secure Email.

Stefanie Stalheim

From: Kelly Hendershot
Sent: Thursday, July 14, 2022 8:15 AM
To: Stephan Podrygula
Cc: Paul Pitner; Harold Stewart; Lisa Jundt
Subject: RE: Minot Police Department

All:

Sounds great. I'll ask Anna to schedule something that works for everyone.

Thank you,

Kelly

From: Stephan Podrygula <stephan.podrygula@minotnd.org>
Sent: Wednesday, July 13, 2022 9:53 PM
To: Kelly Hendershot <kelly.hendershot@minotnd.org>
Cc: Paul Pitner <paul.pitner@minotnd.org>; Harold Stewart <harold.stewart@minotnd.org>; Lisa Jundt <lisa.jundt@minotnd.org>
Subject: Re: Minot Police Department

Kelly,

I concur that a frank and discrete conversation, probably involving the 5 of us, is needed at this point (probably also including the mayor).

Thanks for reminding me of a previous complaint- my admittedly foggy recollection was that this was regarding general morale and management issues, as opposed to direct accusations of specific misconduct. I will go back and read through the previous communications, however.

As a prelude to scheduling, please be advised that I have some significant absences coming up in the next couple of weeks (for surgery and follow-up care, in Fargo). I will be unavailable from 7/20 through 7/23, and then again from 7/28 through 7/30. I can work around other things, but not this.

Parenthetically, my original email to you was cc'd to Paul in his capacity as Council president (given the seriousness of some of the allegations); I took it for granted that Harold was already in contact with the mayor. This is one of those few times where a Council "executive committee" might be of use, to facilitate preliminary discussion of a sensitive matter (without violating the open meetings law, yet allowing for some consideration of a variety of viewpoints).

Steve

From: Kelly Hendershot <kelly.hendershot@minotnd.org>
Sent: Wednesday, July 13, 2022 4:21 PM

To: Stephan Podrygula <stephan.podrygula@minotnd.org>
Cc: Paul Pitner <paul.pitner@minotnd.org>; Harold Stewart <harold.stewart@minotnd.org>; Lisa Jundt <lisa.jundt@minotnd.org>
Subject: RE: Minot Police Department

Alderman Podrygula,

Thank you for your email. And thank you for your diligence in not including a quorum of the city council on your response; please continue to refrain from discussing this matter with a quorum of the city council in order to avoid an inadvertent meeting violation.

As you're aware, we received an identical (or nearly identical) email back in February 2022 (see attached).

I think it makes sense to schedule a conversation when Harold is back in the office. If everyone agrees, we can get something arranged.

Thank you,

Kelly

From: Stephan Podrygula <stephan.podrygula@minotnd.org>
Sent: Wednesday, July 13, 2022 2:53 PM
To: Tellthe Truth <bleedingblue2.0@yahoo.com>
Cc: Paul Pitner <paul.pitner@minotnd.org>; Harold Stewart <harold.stewart@minotnd.org>; Kelly Hendershot <kelly.hendershot@minotnd.org>; Lisa Jundt <lisa.jundt@minotnd.org>
Subject: Re: Minot Police Department

Dear Mr. or Ms. "Truth Teller":

This is to acknowledge the receipt and reading of your email alleging various improprieties in our police department, particularly on the part of John Klug, our chief.

I'm very concerned about what you are saying and am formally asking Harold Stewart, our city manager, in conjunction with Kelly Hendershot, our city attorney (and de facto risk management expert), to prepare a response (for the Council) as to how we might address your allegations.

To be perfectly candid, some of the things that you bring up (e.g., extramarital involvements, alcohol use off the job) seem like matters of personal conduct that are not relevant to performance as a city employee and don't merit further inquiry (at least not in my opinion). Others (e.g., using one's official position for private advantage, reckless drawing of a firearm, intimidation of subordinates), if true, would be very relevant and worrisome. Still others (e.g., "fraternization" with subordinates) fall into an intermediate category, suggesting poor judgment but probably not official misconduct. What people do off the job is their business, although, at some point, if the conduct is flagrant enough we might become concerned (particularly if a person in a position of public trust, such as a law enforcement officer, is involved).

As you point out, an agency really can't investigate itself, probably for anything beyond a violation of routine policies and standards. That's why I am asking Harold and Kelly to suggest an appropriate institutional response. Potentially, this might Include referral to another law enforcement agency, for alleged violations of the law, or the city engaging the services of an independent outside investigator (like we did in the case of our former city manager, whose contract we terminated). I'll leave it up to Kelly (and Lisa Jundt, our HR director)

to recommend whether we have "reasonable suspicion" or even "probable cause" to pursue this, and, if so, exactly how.

Although I certainly worry about what you are saying, and very much agree that we need to maintain high standards, let me offer a bit of unsolicited advice regarding the scattershot nature of your allegations and the large number of individuals you are transmitting them to. While I am certainly "willing to listen" to just about any concerns a citizen might raise, I am not favorably inclined to take seriously allegations including personal and private matters (e.g., off the job romantic relationships). Similarly, if a person has a grievance or complaint, I will always encourage them to follow the "chain of command", which you are doing by bringing this to the attention of the city manger and Council, but not share it with others who really have no responsibility or authority regarding the matter(e.g., other city employees, other elected officials, et al., although the news media could be an exception, given their vital role in helping protect against official misconduct).

I will try to keep you posted as to how this develops.

Steve Podrygula
Alderman

From: Tellthe Truth <bleedingblue2.0@yahoo.com>
Sent: Wednesday, July 13, 2022 10:56 AM
To: Kelly Hendershot <kelly.hendershot@minotnd.org>; Stefanie Stalheim <stefanie.stalheim@minotnd.org>; Harold Stewart <harold.stewart@minotnd.org>; Kelli Kronschnabel <kelli.kronschnabel@minotnd.org>; Lisa Jundt <lisa.jundt@minotnd.org>; Lance.Meyer@mnotnd.org <Lance.Meyer@mnotnd.org>; Brian Billingsley <brian.billingsley@minotnd.org>; Carrie Evans <carrie.evans@minotnd.org>; Paul Pitner <paul.pitner@minotnd.org>; Stephan Podrygula <stephan.podrygula@minotnd.org>; Lisa Olson <lisa.olson@minotnd.org>; Mark Jantzer <mark.jantzer@minotnd.org>; Tom Ross <tom.ross@minotnd.org>; David Lakefield <david.lakefield@minotnd.org>; Derek Hackett <derek.hackett@minotnd.org>; Bryan Obenchain <bryan.obenchain@minotnd.org>; Kevin Braaten <kevin.braaten@minotnd.org>; Dan Jonasson <dan.jonasson@minotnd.org>; Mark.Vollmer@minotnd.org <Mark.Vollmer@minotnd.org>; Rod Roteliuk <rondel.roteliuk@minotnd.org>; Ashley Beall <ashley.beall@minotnd.org>; Mike.Schmitt@minotparks.com <Mike.Schmitt@minotparks.com>; Ken@minotparks.com <Ken@minotparks.com>; Cliff@minotparks.com <Cliff@minotparks.com>; Chuck@minotparks.com <Chuck@minotparks.com>; Perry.Olson@minotparks.com <Perry.Olson@minotparks.com>; raburckhard@nd.gov <raburckhard@nd.gov>; dhogue@nd.gov <dhogue@nd.gov>; jklein@nd.gov <jklein@nd.gov>; kkrebsbach@nd.gov <kkrebsbach@nd.gov>; jkannianen@nd.gov <jkannianen@nd.gov>; lluick@nd.gov <lluick@nd.gov>; rmarcellais@nd.gov <rmarcellais@nd.gov>; EOban@nd.gov <EOban@nd.gov>; mpiepkorn@nd.gov <mpiepkorn@nd.gov>; rwardner@nd.gov <rwardner@nd.gov>; mwobbema@nd.gov <mwobbema@nd.gov>; jmyrdal@nd.gov <jmyrdal@nd.gov>; tmathern@nd.gov <tmathern@nd.gov>; olarsen@nd.gov <olarsen@nd.gov>; jheckaman@nd.gov <jheckaman@nd.gov>; jasonheitkamp@nd.gov <jasonheitkamp@nd.gov>; dclemens@nd.gov <dclemens@nd.gov>; jessicabell@nd.gov <jessicabell@nd.gov>; jbakke@nd.gov <jbakke@nd.gov>; hcanderson@nd.gov <hcanderson@nd.gov>; Minot Daily News <news@minotdailynews.com>; legals@minotdailynews.com <legals@minotdailynews.com>; announce@minotdailynews.com <announce@minotdailynews.com>; Eloise Ogden <eogden@minotdailynews.com>; Jill Schramm <jschramm@minotdailynews.com>; Andrea Johnson <ajohnson@minotdailynews.com>; mtaniguchi@minotdailynews.com <mtaniguchi@minotdailynews.com>; news <news@forumcomm.com>; letters@forumcomm.com <letters@forumcomm.com>; news@wday.com <news@wday.com>; mvonpinnon@forumcomm.com <mvonpinnon@forumcomm.com>; msebasti@nd.gov <msebasti@nd.gov>; ds417@nd.gov <ds417@nd.gov>; Joe.Cianni@dickinsongov.com <Joe.Cianni@dickinsongov.com>; ndaco@ndaco.org <ndaco@ndaco.org>; tfalck67@gmail.com <tfalck67@gmail.com>; jimrostad@srt.com <jimrostad@srt.com>; mihalicks@srt.com <mihalicks@srt.com>; miranda.schuler@minot.k12.nd.us <miranda.schuler@minot.k12.nd.us>; bonny.berryman@gmail.com <bonny.berryman@gmail.com>; mgessner48@gmail.com <mgessner48@gmail.com>; John.Fjeldahl@co.ward.nd <John.Fjeldahl@co.ward.nd>; Shelly.Weppler@co.ward.nd <Shelly.Weppler@co.ward.nd>;

Jim.Rostad@co.ward.nd <Jim.Rostad@co.ward.nd>; John.Pietsch@co.ward.nd <John.Pietsch@co.ward.nd>; Howard.Anderson@co.ward.nd <Howard.Anderson@co.ward.nd>; info@visitminot.org <info@visitminot.org>; alex.eschelman@abcfoxmontana.com <alex.eschelman@abcfoxmontana.com>; Bismarck Info <info@bismarck.org>; communitynotes@kumv.com <communitynotes@kumv.com>; fargogadfly@gmail.com <fargogadfly@gmail.com>; jensen.edwards@grandforksgazette.ca <jensen.edwards@grandforksgazette.ca>; Gfherald News <news@gfherald.com>; joe.skurzewski@kmot.com <joe.skurzewski@kmot.com>; mail@valleynewslive.com <mail@valleynewslive.com>; nightly@nbcuni.com <nightly@nbcuni.com>; tim.perone@nbcuni.com <tim.perone@nbcuni.com>; melissa.rafferty@kpax.com <melissa.rafferty@kpax.com>; barry.schumaier@kfyrtv.com <barry.schumaier@kfyrtv.com>; The Wall Street Journal <wsjcontact@wsj.com>; tom.tucker@flagfamily.com <tom.tucker@flagfamily.com>; webadmin@kvrr.com <webadmin@kvrr.com>; janae.white@flagfamily.com <janae.white@flagfamily.com>; Margie Zietz <margie.zietz@minotnd.org>; John Van Dyke <john.vandyke@minotnd.org>; Jennifer Quakkelaar <jennifer.quakkelaar@minotnd.org>
Subject: Minot Police Department

Caution: This message has originated from an **External Source**.
Please use proper judgement and caution when opening attachments, clicking links, or responding to this email.

What's going on at the Minot Police Department?

Who is going to investigate the cop that investigates cops? Yes, that's right the Minot Police Department has a dedicated a lieutenant who conducts internal investigations on other police officers and his name is Matt McLeod. So why does McLeod need to be investigated? Well it all started 3 or 4 years ago. McLeod, who is married and has 3 children, and is still married, his wife knows, had an affair with another woman. I could reveal her name so you could fact check it but I do not believe she or her family need to be blown up by McLeod's poor judgement. If anyone can provide a good reason for such justification, I am willing to listen. Moving forward, during this time McLeod was a sergeant assigned to the investigations division along with being the SWAT Commander. As the SWAT commander he supervised the entire SWAT team along with the Negotiations team and any officer who fell under SWAT's command in any given incident. That being said his position has a lot of supervisorial reach and influence.

McLeod would frequently tell the officers that he directly supervised (investigators and SWAT operators) and those who he supervised as a SWAT Commander to cover for him. What he would do is tell those who he supervised, "I had lunch with you on Friday," or any particular day of the week, even though they did not have lunch with McLeod at all. This was because he was with the woman he was having the affair with and he did not want his wife or anyone else to know. So, to be factual McLeod is a supervisor that told his subordinates to lie for him. That is a direct order that must be followed even though it is immoral but not illegal. How does a Police supervisor in such a highly regarded position do such a thing? How many times did this happen? How many different officers did McLeod put in this disgusting position? Did they feel forced to lie for their supervisor? Or were they forced to lie by their supervisor? Is this a policy violation or a violation of the oath McLeod took? Or both? This action is immoral, lacks character, and is not something a tax paying citizen should expect from a supervisor at the Minot Police Department of such high regard.

So what was McLeod doing on those lunch breaks that he needed a subordinate officer to lie for him? It was an affair, so was he having sexual intercourse? Isn't that behavior unbecoming of an office of the law to have sexual intercourse on his lunch break while being paid by tax payer dollars? Or at least a policy violation? It is definitely unbecoming of an officer to tell a subordinate to lie for you so you can do something immoral. At least these have to be policy violations worthy of nothing but righteous consequences. So who is holding McLeod accountable?

McLeod was promoted to Lieutenant and assigned to the patrol division. The affair ended because one of McLeod's kids found his second cellular phone that he used to contact the "other woman" he

left in the bathroom and gave to McLeod's wife. McLeod was then assigned to the standards Lieutenant who investigates other cops for misconduct, illegal acts, immoral acts, and policy violations. A cop assigned to this position should be of the highest moral regard and character. Having an affair with a married woman, being married himself, and ordering his subordinates lie for him does not strike me as in high moral regard and character, or in any position to investigate other officers.

So who is going to investigate McLeod? The captain of investigations? That captain is Dale Plessas, McLeod's brother in-law. That's Definitely a conflict of interest. The Captain of Patrol? That captain is Justin Sundheim who was the SWAT Commander before McLeod. McLeod was Justin's right had man for several years when Sundheim was the commander. That's Definitely a conflict of interest. How about the chief at the Minot Police Department? John Klug? Let's talk about Klug.

In 2005 Klug was a Sr. Patrolman assigned to the Ward County Task Force (WCTF). Klug was assigned to work vehicle as a part of his assignment to the WCTF which is an under-cover investigator position. Klug was known to drink alcoholic beverages and drive his government vehicle and did this on several occasions. I believe this is illegal and most definitely a policy violation. And how many times did this happen? Several times!

One fateful night Klug was intoxicated driving from Minot hotel to Minot Hotel looking for Maggie Tygart. Klug wanted to have a relationship with Tygart and Tygart was reportedly at a party at one of the hotels in Minot this fateful night. Klug would drive while intoxicated to each hotel, get out and pull out his official Minot Police Department issued Badge and present it to the Hotel clerk and ask if Tygart had rented a room at their hotel. What sort of investigation was Klug conducting? Klug would need to be conducting an investigation or witnessing a criminal act to use official police powers or using his badge and asking for confidential information. You guessed it, there was no investigation and Klug was breaking the law along with actions unbecoming of an officer.

How many policy violations were violated as well? This happened at several hotels in Minot that fateful evening. At some point one of the hotel clerks thought this was wrong and called the Minot Police Department to report this criminal act. Minot Police Department officers responded to several hotels trying to catch up with Klug on his drunken rampage. Finally, Dave Chapman caught up with Klug at a Minot hotel and had a confrontation with Klug who was uncooperative. Klug did in fact get into the back Chapman's patrol car. Chapman was transporting Klug back to the Minot Police Department as ordered by the shift commander. Chapman happened to stop at the intersection by the Ward County Court House. Klug, while still intoxicated, jumped out of Chapman's patrol car and was more than uncooperative. Klug then brandished his pistol in a manner so much so that Chapman drew his service pistol and ordered Klug to put his gun down. I am not sure if Klug actually pointed his gun at Chapman or how exactly Klug brandished his pistol to Chapman, but I do know Chapman drew his pistol on Klug. This fact means Chapman must have felt threatened enough to the extreme point to draw his pistol on another cop. How incredibly insane and unimaginable is it that Chapman, while in uniform and on duty had to draw his duty pistol on a fellow officer from the same department? That's hard to believe!!!!

How many laws did Klug commit that fateful night? How many policy violations did he commit? How does Klug still have a job? Why wasn't Klug charged? How could Klug put Chapman in such a disturbing position? How can Chapman ever trust Klug again? How can anyone trust Klug again? Why would Klug pull/brandish his gun on another officer?

Chapman is well respected and is a high moral and high character officer with the Minot Police Department. Why did Klug do this to him? I mean it is still extremely wrong for Klug to pull/brandish his pistol on any law enforcement officer of any stature, but Klug made the decision to pull/brandish his pistol on a highly regarded and respected Minot Police Department Officer. Why? What does that say about Klug? Is that completely and unconsciously reckless? At least one could say Klug's actions where dangerous, rash, and out of control. Is that what the City of Minot needs as a chief? Does any city or town anywhere want a chief like that?

Steve Whitesel was the shift commander that evening and ordered Chapman to bring Klug back to the Minot Police Department. Whitesel contacted Jeff Balentine (captain of Patrol at the time and then later became chief) to inform Balentine of the situation. Scot Redding was working this evening and has direct knowledge of the incident. Furthermore, the hotel calling into the police department would have generated a docket entry of the incident which is public knowledge and must be saved. It is illegal to delete any of this information. It can be made private for criminal cases or medical purposes or special situations but the public has a right to look at the docket entries. Contact them fact check me, please.

Furthermore, here is a list of law enforcement that have knowledge of the incident, Scot Redding, Steve Schoenrock, Curt Smith, Steve Whitesel, Mike Marcus, Steve Kukoski, Paul Burns, Rob Brown, Willy Gram, Fred Debowey, Al Hanson, Bill Brown, Chad Eagleson, Steve Nieber, Jeff Budda, Travis Anderson, Dan Strandberg, Scott Weston, Margie Ziets, TJ Huber, Dave Goodman, Howard Fisher, Daren Dyke, Cole Strandemo, Craig Sandusky, Brock Laskosky, Charles Johnson, Jason Olson, Jason Sundbakken, Jordan Thompson, Bob Bernard, Steve Kenny, Shane Haug, Shawn Wegner, Tyler Ruelle, Levi Lockrem, Rob White, Winston Black, Larry Haug, Barb McPeak, Shannon Lackey, and many more that are currently employed by the Minot Police department and are afraid of losing their jobs. I would like you to fact check me and discover the truth. Just think this is our chief of Police in Minot. Shouldn't the Chief of Police in any city be someone of the highest moral and professional regard?

Furthermore, Klug was at an out of town training with a few other Officer's in another city. Klug was rushed to the hospital in an emergency as he was overdosing on wine and prescription drugs (pain pills). Regardless if the prescription medications that were prescribed to Klug or not, Klug needs to have the moral integrity and knowledge to know NOT to mix alcohol and prescription medications. Common sense right? At least common sense for a chief of police? Is this behavior expected and condoned at any time for someone who is aspiring to be the chief of police? Is this good decision making to mix prescription drugs and alcohol no matter who you are? Even if it was a mistake, this action is still very poor judgement. There are labels on prescription medications saying to not mix with alcohol! Is this the kind of judgment the city of Minot expects of the Chief of Police? Fact check me, call or meet with those guys listed about.

Finally, Klug was at the North Dakota Police Officer's Association (NDPOA) annual training. Once a year the NDPOA puts on a law enforcement training for law enforce at a specific town or city over a specific period of time. As you guessed it Klug was drinking alcohol again at this training. Now, this incident was after training hours, so Klug was "off the clock" but still in representation of the Minot Police Department. Several officers were also drinking alcohol at a designated location where alcohol could be consumed legally. Klug was drinking alcohol with his subordinates. Generally speaking, it is not good moral and professional practice to consume alcohol with subordinates within the police profession let alone any other profession. Is this a good decision but a supervisor?

Soon after, Klug got into an argument with one of his subordinates who was also consuming alcohol. The argument almost leads to a physical fight, with Klug refusing to back down, but the potential fight was broken up by other officers. When Klug returned to the Minot Police Department, Klug tried to have the other officer fired over the incident.

Now that doesn't seem right? What was Klug doing drinking alcohol with a subordinate? Is that a policy violation? Is that behavior unbecoming of an officer in a supervisorial position? Or is it just poor judgement? Is this who we want as a Chief? Well the officer was not fired and was able to tell his side of the story which was substantiated with Klug's history of drinking too much alcohol and having poor judgement while being employed and representing the Minot Police Department.

So should Klug investigate McLeod when he put McLeod in the position of being charge of investigating other cops? Is Klug even morally, ethically, integrally in position to even be employed by the Minot Police Department? I wonder if Klug disclosed any of the above noted incidents during his interviews as he was promoted through the years? More over did Klug disclose this information

during his interviews for Chief? What else is Klug hiding? What other poor judgements on Klug's part do the citizens of Minot need to know about?

Once again fact check this information and release it to the public and the proper authorities so that a fair and legal investigation can be conducted. Outside agencies have tried to conduct fact finding investigations in the past but have not revealed the truth. It is clear this cannot be investigated by the Minot Police Department. I would love to reveal my identity but I am afraid of retaliation along with losing my job. Conduct your investigation, interview the above listed as they may have information to any or some of the facts listed above. Release it to the public they have a right to know and contact the BCI or the attorney general as some of these acts are criminal and they would be the best investigate these matters. I would guess the mayor and city council of Minot have no idea what's going on in their largest city department. Once again the docket is a record that is open to the public and could reveal even more people with first hand and direct knowledge of these incidents. Why things were swept under the rug is beyond me. And why Klug was allowed to advance to the level of Chief is unbelievable! Fact check me!!!!!!!Please!!!!

Find the truth and tell 100% the truth. Everyone is accountable for their actions. Elected officials must take action.

Stefanie Stalheim

From: Stephan Podrygula
Sent: Thursday, July 14, 2022 11:50 AM
To: Kelly Hendershot; Lisa Jundt
Cc: Paul Pitner; Harold Stewart
Subject: Fw: Minot Police Department

Colleagues,

Some potential new things for you to be aware of: reference to possible discrimination, and potential retaliation. Obvious HR and legal complications could be present, hence my officially alerting you to this.

I'm not aware of any prior investigation - perhaps this refers to our former city manager, but maybe not - but if there was one, I'd like to see the results (prior to our just scheduled meeting next Tuesday, which I presume is regarding this matter).

Steve

From: Stephan Podrygula <stephan.podrygula@minotnd.org>
Sent: Thursday, July 14, 2022 11:40 AM
To: Tellthe Truth <bleedingblue2.0@yahoo.com>
Subject: Re: Minot Police Department

Mr. or Ms. TTT,

I appreciate the position you feel you are in (e.g., as a clinical psychologist, I've worked with many individuals who've struggled to cope with what they perceive to be unfairness, or even worse, at work) and promise to take your concerns seriously.

You are right, this is ultimately the Council's responsibility to investigate, and I have already shard my concerns with the president of the Council and senior city staff.

Steve Podrygula

From: Tellthe Truth <bleedingblue2.0@yahoo.com>
Sent: Thursday, July 14, 2022 8:49 AM
To: Stephan Podrygula <stephan.podrygula@minotnd.org>
Subject: Re: Minot Police Department

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Thank you for getting back to me so quickly I hope you understand that I have spoken to my direct supervisors many times about this matter and nothing was done. I spoke to their supervisors about this matter and nothing was done. I am afraid to lose my job and career over this. I don't know what else to do. The formal process and chain of command did not work and in my opinion is broken.

McLeod and Klug have committed many serious policy violations (conduct unbecoming of an officer, unlawful orders to subordinates, public intoxication, etc.) Such violations have lead to former employees dismissals. That does not seem right they can do it and others cannot. I wonder how many employees over the years have been "let go" over such standards yet Klug and McLeod are not held to those same standards? The state Legislators that I have spoken to about this matter have stated that this is the City Council's responsibility to investigate. The last time the City used an outside agency to investigate discrimination to include gender bias discrimination nothing happened other then Klug cracking down even harder on any officer for speaking out. As stated above I fear the formal process and chain of command are broken and your job will be difficult. Please Get them all on the record and see if they will tell the truth.

On Wednesday, July 13, 2022 at 02:52:51 PM CDT, Stephan Podrygula <stephan.podrygula@minotnd.org> wrote:

Dear Mr. or Ms. "Truth Teller":

This is to acknowledge the receipt and reading of your email alleging various improprieties in our police department, particularly on the part of John Klug, our chief.

I'm very concerned about what you are saying and am formally asking Harold Stewart, our city manager, in conjunction with Kelly Hendershot, our city attorney (and de facto risk management expert), to prepare a response (for the Council) as to how we might address your allegations.

To be perfectly candid, some of the things that you bring up (e.g., extramarital involvements, alcohol use off the job) seem like matters of personal conduct that are not relevant to performance as a city employee and don't merit further inquiry (at least not in my opinion). Others (e.g., using one's official position for private advantage, reckless drawing of a firearm, intimidation of subordinates), if true, would be very relevant and worrisome. Still others (e.g., "fraternization" with subordinates) fall into an intermediate category, suggesting poor judgment but probably not official misconduct. What people do off the job is their business, although, at some point, if the conduct is flagrant enough we might become concerned (particularly if a person in a position of public trust, such as a law enforcement officer, is involved).

As you point out, an agency really can't investigate itself, probably for anything beyond a violation of routine policies and standards. That's why I am asking Harold and Kelly to suggest an appropriate institutional response. Potentially, this might Include referral to another law enforcement agency, for alleged violations of the law, or the city engaging the services of an independent outside investigator (like we did in the case of our former city manager, whose contract we terminated). I'll leave it up to Kelly (and Lisa Jundt, our HR director) to recommend whether we have "reasonable suspicion" or even "probable cause" to pursue this, and, if so, exactly how.

Although I certainly worry about what you are saying, and very much agree that we need to maintain high standards, let me offer a bit of unsolicited advice regarding the scattershot nature of your allegations and the large number of individuals you are transmitting them to. While I am certainly "willing to listen" to just about any concerns a citizen might raise, I am not favorably inclined to take seriously allegations including personal and private matters (e.g., off the job romantic relationships). Similarly, if a person has a grievance or complaint, I will always encourage them to follow the "chain of command", which you are doing by bringing this to the attention of the city manger and Council, but not share it with others who really have no responsibility or authority regarding the matter(e.g., other city employees, other elected officials, et al.,

although the news media could be an exception, given their vital role in helping protect against official misconduct).

I will try to keep you posted as to how this develops.

Steve Podrygula
Alderman

From: Tellthe Truth <bleedingblue2.0@yahoo.com>
Sent: Wednesday, July 13, 2022 10:56 AM
To: Kelly Hendershot <kelly.hendershot@minotnd.org>; Stefanie Stalheim <stefanie.stalheim@minotnd.org>; Harold Stewart <harold.stewart@minotnd.org>; Kelli Kronschnabel <kelli.kronschnabel@minotnd.org>; Lisa Jundt <lisa.jundt@minotnd.org>; Lance.Meyer@mnotnd.org <Lance.Meyer@mnotnd.org>; Brian Billingsley <brian.billingsley@minotnd.org>; Carrie Evans <carrie.evans@minotnd.org>; Paul Pitner <paul.pitner@minotnd.org>; Stephan Podrygula <stephan.podrygula@minotnd.org>; Lisa Olson <lisa.olson@minotnd.org>; Mark Jantzer <mark.jantzer@minotnd.org>; Tom Ross <tom.ross@minotnd.org>; David Lakefield <david.lakefield@minotnd.org>; Derek Hackett <derek.hackett@minotnd.org>; Bryan Obenchain <bryan.obenchain@minotnd.org>; Kevin Braaten <kevin.braaten@minotnd.org>; Dan Jonasson <dan.jonasson@minotnd.org>; Mark.Vollmer@minotnd.org <Mark.Vollmer@minotnd.org>; Rod Roteliuk <rondel.roteliuk@minotnd.org>; Ashley Beall <ashley.beall@minotnd.org>; Mike.Schmitt@minotparks.com <Mike.Schmitt@minotparks.com>; Ken@minotparks.com <Ken@minotparks.com>; Cliff@minotparks.com <Cliff@minotparks.com>; Chuck@minotparks.com <Chuck@minotparks.com>; Perry.Olson@minotparks.com <Perry.Olson@minotparks.com>; raburckhard@nd.gov <raburckhard@nd.gov>; dhogue@nd.gov <dhogue@nd.gov>; jklein@nd.gov <jklein@nd.gov>; kkrebsbach@nd.gov <kkrebsbach@nd.gov>; jkannianen@nd.gov <jkannianen@nd.gov>; lluick@nd.gov <lluick@nd.gov>; rmarcellais@nd.gov <rmarcellais@nd.gov>; EOban@nd.gov <EOban@nd.gov>; mpiepkorn@nd.gov <mpiepkorn@nd.gov>; rwardner@nd.gov <rwardner@nd.gov>; mwobbema@nd.gov <mwobbema@nd.gov>; jmyrdal@nd.gov <jmyrdal@nd.gov>; tmathern@nd.gov <tmathern@nd.gov>; olarsen@nd.gov <olarsen@nd.gov>; jheckaman@nd.gov <jheckaman@nd.gov>; jasonheitkamp@nd.gov <jasonheitkamp@nd.gov>; dclemens@nd.gov <dclemens@nd.gov>; jessicabell@nd.gov <jessicabell@nd.gov>; jbakke@nd.gov <jbakke@nd.gov>; hcanderson@nd.gov <hcanderson@nd.gov>; Minot Daily News <news@minotdailynews.com>; legals@minotdailynews.com <legals@minotdailynews.com>; announce@minotdailynews.com <announce@minotdailynews.com>; Eloise Ogden <eogden@minotdailynews.com>; Jill Schramm <jschramm@minotdailynews.com>; Andrea Johnson <ajohnson@minotdailynews.com>; mtaniguchi@minotdailynews.com <mtaniguchi@minotdailynews.com>; news <news@forumcomm.com>; letters@forumcomm.com <letters@forumcomm.com>; news@wday.com <news@wday.com>; mvonpinnon@forumcomm.com <mvonpinnon@forumcomm.com>; msebasti@nd.gov <msebasti@nd.gov>; ds417@nd.gov <ds417@nd.gov>; Joe.Cianni@dickinsongov.com <Joe.Cianni@dickinsongov.com>; ndaco@ndaco.org <ndaco@ndaco.org>; tfalck67@gmail.com <tfalck67@gmail.com>; jimrostad@srt.com <jimrostad@srt.com>; mihalicks@srt.com <mihalicks@srt.com>; miranda.schuler@minot.k12.nd.us <miranda.schuler@minot.k12.nd.us>; bonny.berryman@gmail.com <bonny.berryman@gmail.com>; mgessner48@gmail.com <mgessner48@gmail.com>; John.Fjeldahl@co.ward.nd <John.Fjeldahl@co.ward.nd>; Shelly.Weppler@co.ward.nd <Shelly.Weppler@co.ward.nd>; Jim.Rostad@co.ward.nd <Jim.Rostad@co.ward.nd>; John.Pietsch@co.ward.nd <John.Pietsch@co.ward.nd>; Howard.Anderson@co.ward.nd <Howard.Anderson@co.ward.nd>; info@visitminot.org <info@visitminot.org>; alex.eschelman@abcfoxmontana.com <alex.eschelman@abcfoxmontana.com>; Bismarck Info <info@bismarck.org>; communitynotes@kumv.com <communitynotes@kumv.com>; fargogadfly@gmail.com <fargogadfly@gmail.com>; jensen.edwards@grandforksgazette.ca <jensen.edwards@grandforksgazette.ca>; Gfherald News <news@gfherald.com>; joe.skurzewski@kmot.com <joe.skurzewski@kmot.com>; mail@valleynewslive.com <mail@valleynewslive.com>; nightly@nbcuni.com <nightly@nbcuni.com>; tim.perone@nbcuni.com <tim.perone@nbcuni.com>; melissa.rafferty@kpax.com <melissa.rafferty@kpax.com>; barry.schumaier@kfyrtv.com <barry.schumaier@kfyrtv.com>; The Wall Street Journal <wsjcontact@wsj.com>; tom.tucker@flagfamily.com <tom.tucker@flagfamily.com>; webadmin@kvrr.com <webadmin@kvrr.com>; janae.white@flagfamily.com <janae.white@flagfamily.com>; Margie Zietz <margie.zietz@minotnd.org>; John Van Dyke

<john.vandyke@minotnd.org>; Jennifer Quakkelaar <jennifer.quakkelaar@minotnd.org>
Subject: Minot Police Department

Caution: This message has originated from an **External Source**.
Please use proper judgement and caution when opening attachments, clicking links, or responding to this email.

What's going on at the Minot Police Department?

Who is going to investigate the cop that investigates cops? Yes, that's right the Minot Police Department has a dedicated a lieutenant who conducts internal investigations on other police officers and his name is Matt McLeod. So why does McLeod need to be investigated? Well it all started 3 or 4 years ago. McLeod, who is married and has 3 children, and is still married, his wife knows, had an affair with another woman. I could reveal her name so you could fact check it but I do not believe she or her family need to be blown up by McLeod's poor judgement. If anyone can provide a good reason for such justification, I am willing to listen. Moving forward, during this time McLeod was a sergeant assigned to the investigations division along with being the SWAT Commander. As the SWAT commander he supervised the entire SWAT team along with the Negotiations team and any officer who fell under SWAT's command in any given incident. That being said his position has a lot of supervisorial reach and influence.

McLeod would frequently tell the officers that he directly supervised (investigators and SWAT operators) and those who he supervised as a SWAT Commander to cover for him. What he would do is tell those who he supervised, "I had lunch with you on Friday," or any particular day of the week, even though they did not have lunch with McLeod at all. This was because he was with the woman he was having the affair with and he did not want his wife or anyone else to know. So, to be factual McLeod is a supervisor that told his subordinates to lie for him. That is a direct order that must be followed even though it is immoral but not illegal. How does a Police supervisor in such a highly regarded position do such a thing? How many times did this happen? How many different officers did McLeod put in this disgusting position? Did they feel forced to lie for their supervisor? Or were they forced to lie by their supervisor? Is this a policy violation or a violation of the oath McLeod took? Or both? This action is immoral, lacks character, and is not something a tax paying citizen should expect from a supervisor at the Minot Police Department of such high regard.

So what was McLeod doing on those lunch breaks that he needed a subordinate officer to lie for him? It was an affair, so was he having sexual intercourse? Isn't that behavior unbecoming of an office of the law to have sexual intercourse on his lunch break while being paid by tax payer dollars? Or at least a policy violation? It is definitely unbecoming of an officer to tell a subordinate to lie for you so you can do something immoral. At least these have to be policy violations worthy of nothing but righteous consequences. So who is holding McLeod accountable?

McLeod was promoted to Lieutenant and assigned to the patrol division. The affair ended because one of McLeod's kids found his second cellular phone that he used to contact the "other woman" he left in the bathroom and gave to McLeod's wife. McLeod was then assigned to the standards Lieutenant who investigates other cops for misconduct, illegal acts, immoral acts, and policy violations. A cop assigned to this position should be of the highest moral regard and character. Having an affair with a married woman, being married himself, and ordering his subordinates lie for him does not strike me as in high moral regard and character, or in any position to investigate other officers.

So who is going to investigate McLeod? The captain of investigations? That captain is Dale Plessas, McLeod's brother in-law. That's Definitely a conflict of interest. The Captain of Patrol? That captain is Justin Sundheim who was the SWAT Commander before McLeod. McLeod was Justin's right had man for several years when Sundheim was the commander. That's Definitely a conflict of interest. How about the chief at the Minot Police Department? John Klug? Let's talk about Klug.

In 2005 Klug was a Sr. Patrolman assigned to the Ward County Task Force (WCTF). Klug was assigned to work vehicle as a part of his assignment to the WCTF which is an under-cover investigator position. Klug was known to drink alcoholic beverages and drive his government vehicle and did this on several occasions. I believe this is illegal and most definitely a policy violation. And how many times did this happen? Several times!

One fateful night Klug was intoxicated driving from Minot hotel to Minot Hotel looking for Maggie Tygart. Klug wanted to have a relationship with Tygart and Tygart was reportedly at a party at one of the hotels in Minot this fateful night. Klug would drive while intoxicated to each hotel, get out and pull out his official Minot Police Department issued Badge and present it to the Hotel clerk and ask if Tygart had rented a room at their hotel. What sort of investigation was Klug conducting? Klug would need to be conducting an investigation or witnessing a criminal act to use official police powers or using his badge and asking for confidential information. You guessed it, there was no investigation and Klug was breaking the law along with actions unbecoming of an officer.

How many policy violations were violated as well? This happened at several hotels in Minot that fateful evening. At some point one of the hotel clerks thought this was wrong and called the Minot Police Department to report this criminal act. Minot Police Department officers responded to several hotels trying to catch up with Klug on his drunken rampage. Finally, Dave Chapman caught up with Klug at a Minot hotel and had a confrontation with Klug who was uncooperative. Klug did in fact get into the back Chapman's patrol car. Chapman was transporting Klug back to the Minot Police Department as ordered by the shift commander. Chapman happened to stop at the intersection by the Ward County Court House. Klug, while still intoxicated, jumped out of Chapman's patrol car and was more than uncooperative. Klug then brandished his pistol in a manner so much so that Chapman drew his service pistol and ordered Klug to put his gun down. I am not sure if Klug actually pointed his gun at Chapman or how exactly Klug brandished his pistol to Chapman, but I do know Chapman drew his pistol on Klug. This fact means Chapman must have felt threatened enough to the extreme point to draw his pistol on another cop. How incredibly insane and unimaginable is it that Chapman, while in uniform and on duty had to draw his duty pistol on a fellow officer from the same department? That's hard to believe!!!!

How many laws did Klug commit that fateful night? How many policy violations did he commit? How does Klug still have a job? Why wasn't Klug charged? How could Klug put Chapman in such a disturbing position? How can Chapman ever trust Klug again? How can anyone trust Klug again? Why would Klug pull/brandish his gun on another officer?

Chapman is well respected and is a high moral and high character officer with the Minot Police Department. Why did Klug do this to him? I mean it is still extremely wrong for Klug to pull/brandish his pistol on any law enforcement officer of any stature, but Klug made the decision to pull/brandish his pistol on a highly regarded and respected Minot Police Department Officer. Why? What does that say about Klug? Is that completely and unconsciously reckless? At least one could say Klug's actions where dangerous, rash, and out of control. Is that what the City of Minot needs as a chief? Does any city or town anywhere want a chief like that?

Steve Whitesel was the shift commander that evening and ordered Chapman to bring Klug back to the Minot Police Department. Whitesel contacted Jeff Balentine (captain of Patrol at the time and then later became chief) to inform Balentine of the situation. Scot Redding was working this evening and has direct knowledge of the incident. Furthermore, the hotel calling into the police department would have generated a docket entry of the incident which is public knowledge and must be saved. It is illegal to delete any of this information. It can be made private for criminal cases or medical purposes or special situations but the public has a right to look at the docket entries. Contact them fact check me, please.

Furthermore, here is a list of law enforcement that have knowledge of the incident, Scot Redding, Steve Schoenrock, Curt Smith, Steve Whitesel, Mike Marcus, Steve Kukoski, Paul Burns, Rob Brown, Willy Gram, Fred Debowey, Al Hanson, Bill Brown, Chad Eagleson, Steve Nieber, Jeff Budda, Travis Anderson, Dan Strandberg, Scott Weston, Margie Ziets, TJ Huber, Dave Goodman, Howard Fisher,

Daren Dyke, Cole Strandemo, Craig Sandusky, Brock Laskosky, Charles Johnson, Jason Olson, Jason Sundbakken, Jordan Thompson, Bob Bernard, Steve Kenny, Shane Haug, Shawn Wegner, Tyler Ruelle, Levi Lockrem, Rob White, Winston Black, Larry Haug, Barb McPeak, Shannon Lackey, and many more that are currently employed by the Minot Police department and are afraid of losing their jobs. I would like you to fact check me and discover the truth. Just think this is our chief of Police in Minot. Shouldn't the Chief of Police in any city be someone of the highest moral and professional regard?

Furthermore, Klug was at an out of town training with a few other Officer's in another city. Klug was rushed to the hospital in an emergency as he was overdosing on wine and prescription drugs (pain pills). Regardless if the prescription medications that were prescribed to Klug or not, Klug needs to have the moral integrity and knowledge to know NOT to mix alcohol and prescription medications. Common sense right? At least common sense for a chief of police? Is this behavior expected and condoned at any time for someone who is aspiring to be the chief of police? Is this good decision making to mix prescription drugs and alcohol no matter who you are? Even if it was a mistake, this action is still very poor judgement. There are labels on prescription medications saying to not mix with alcohol! Is this the kind of judgment the city of Minot expects of the Chief of Police? Fact check me, call or meet with those guys listed about.

Finally, Klug was at the North Dakota Police Officer's Association (NDPOA) annual training. Once a year the NDPOA puts on a law enforcement training for law enforce at a specific town or city over a specific period of time. As you guessed it Klug was drinking alcohol again at this training. Now, this incident was after training hours, so Klug was "off the clock" but still in representation of the Minot Police Department. Several officers were also drinking alcohol at a designated location where alcohol could be consumed legally. Klug was drinking alcohol with his subordinates. Generally speaking, it is not good moral and professional practice to consume alcohol with subordinates within the police profession let alone any other profession. Is this a good decision but a supervisor?

Soon after, Klug got into an argument with one of his subordinates who was also consuming alcohol. The argument almost leads to a physical fight, with Klug refusing to back down, but the potential fight was broken up by other officers. When Klug returned to the Minot Police Department, Klug tried to have the other officer fired over the incident.

Now that doesn't seem right? What was Klug doing drinking alcohol with a subordinate? Is that a policy violation? Is that behavior unbecoming of an officer in a supervisorial position? Or is it just poor judgement? Is this who we want as a Chief? Well the officer was not fired and was able to tell his side of the story which was substantiated with Klug's history of drinking too much alcohol and having poor judgement while being employed and representing the Minot Police Department.

So should Klug investigate McLeod when he put McLeod in the position of being charge of investigating other cops? Is Klug even morally, ethically, integrally in position to even be employed by the Minot Police Department? I wonder if Klug disclosed any of the above noted incidents during his interviews as he was promoted through the years? More over did Klug disclose this information during his interviews for Chief? What else is Klug hiding? What other poor judgements on Klug's part do the citizens of Minot need to know about?

Once again fact check this information and release it to the public and the proper authorities so that a fair and legal investigation can be conducted. Outside agencies have tried to conduct fact finding investigations in the past but have not revealed the truth. It is clear this cannot be investigated by the Minot Police Department. I would love to reveal my identity but I am afraid of retaliation along with losing my job. Conduct your investigation, interview the above listed as they may have information to any or some of the facts listed above. Release it to the public they have a right to know and contact the BCI or the attorney general as some of these acts are criminal and they would be the best investigate these matters. I would guess the mayor and city council of Minot have no idea what's going on in their largest city department. Once again the docket is a record that is open to the public and could reveal even more people with first hand and direct knowledge of these incidents. Why

things were swept under the rug is beyond me. And why Klug was allowed to advance to the level of Chief is unbelievable! Fact check me!!!!!!!Please!!!!

Find the truth and tell 100% the truth. Everyone is accountable for their actions. Elected officials must take action.

Internal Case#:
PD Case#:

NOTICE OF INTERNAL INVESTIGATION / GARRITY ADVISEMENT

1) I, Matt McLeod, have been advised that I am a **subject** during the administrative investigation regarding the allegation(s) as follows:
-allegation of rape that occurred at the time Lt. McLeod was 17 years old.

2) MM I have been given the opportunity to read Minot PD policy 1005.6.2, Administrative Investigation Procedures.

3) MM I understand that any intentional attempt on my part to either be untruthful by concealing information or by misleading the investigator(s) in this matter may result in separate and/or additional disciplinary action taken against me. Any such conduct may affect my peace officer license through POST.

4) MM I understand that this investigation is confidential in nature and that I am **ordered not to discuss any part of it with anyone. You are further ordered not to review any digital evidence associated with the investigation,** other than those individuals specified by the investigator until such a time the investigation has been completed to include disposition. (This does not preclude any discussion with your attorney, clergy, doctor, support observer, or spouse, however these discussions may not be deemed "confidential" and may be used in the investigation).

5) MM I understand that I am ordered to answer questions and/or submit to any tests or examinations:
   a) MM The questions, tests, examinations, will be narrowly and specifically related to the performance of my duties.
   b) MM Any statements, tests, or examinations cannot be used against me in a subsequent criminal proceeding.
   c) MM Any statements, tests, or examinations may be used in an administrative and/or civil proceeding.
   d) MM During the course of this investigation, I have the responsibility to bring to the attention of the investigator any witness information, and/or evidence which is relevant to the investigation.
   e) MM My refusal to answer questions and/or submit to tests or examinations will result in disciplinary action against me, up to and including dismissal from employment.

Employee Signature — Matt McLeod (Printed Name) — Date: 7/1/20

Investigator Signature — Jason Sundbakken (Printed Name) — Date: 7-1-20

Captain Sundbakken,

On 6/30/20 at approximately 2335 hours, I received a phone call from Marcie Lee Pfeifer. Ms. Pfeifer informed me she wished to make a complaint against Lieutenant McLeod. Ms. Pfeifer said she was upset that Lt. McLeod has been promoted because; 25 years ago, he raped her. Ms. Pfeifer said that the incident occurred 25 years ago in Valley City when she was 15 years old and he was 17 years old. Ms. Pfeifer said she has no proof or evidence of the allegation.

Ms. Pfeifer said that Lt. McLeod had a "blatant disregard for her" at the time of the incident. She described they were in a dating relationship at the time of the incident. She said Lt McLeod came over and they started making out. She said he kept trying to "go down town". Ms. Pfeifer said she resisted his advances for approximately ten minutes and then gave in because he was persistent.

Ms. Pfeifer said that the next day she and her friends made Lt McLeod admit to the rape from the previous day. She said she has been scared for 25 years and that he should not have done it. She is now pissed off he is a Lieutenant.

I told Ms. Pfeifer I would pass the complaint on to you and she may receive a phone call. I did not make any promises to her and she said she appreciated my transparency.

Redacted pursuant to N.D.C.C. § 44-04-18.7

Her phone number is [redacted]

I have also attached the notes I made when speaking with Ms. Pfeifer.

Sincerely,

Sgt Tyler Ruelle

ADMINISTRATIVE COMMANDER

Internal Investigation

Minot Police Department

Internal Case File- 20-A1

PD Case File- NONE

Employee: Lt. Matt McLeod

Date of Incident: **Summer of 1992**

Investigation Performed By:
Captain Jason Sundbakken

Date of Complaint / Investigation:
7-1-20

Synopsis:

Marcie Lee Pfeifer filed a formal personnel complaint against Lt. Matt McLeod in which she alleged that Lt. McLeod raped her when she was 15 years of age. At the time Lt. McLeod was 17 years old and the two were involved in a dating relationship. The incident allegedly took place in Valley City, ND where they both lived at the time.

Report

7-1-20

I was contacted by Chief John Klug regarding a personnel complaint against Lt. Matt McLeod. Chief Klug indicated that he was approached by Lt. McLeod in reference to Facebook messages from an individual named Marcie Pfeifer. According to Lt. McLeod, Ms. Pfeifer had posted messages alleging that he had raped her in Valley City, where they both lived at the time, when he was 17 years old and she was 15. At the time when Lt. McLeod approached Chief Klug there had not yet been a Personnel Complaint filed or requested by Ms. Pfeifer.

On 6-30-20 Sgt. Tyler Ruelle received a call from Ms. Pfeifer about the allegations. Sgt. Ruelle took an personnel complaint from Ms. Pfeifer via the telephone related to the allegations. That report was immediately forwarded to Chief Klug by Sgt. Ruelle. This report was provided to me by Chief Klug on 7-1-20 (Item 2).

After speaking with Chief Klug and receiving the report from Sgt. Ruelle I immediately contacted Lt. McLeod and met with him in my office. I informed Lt. McLeod that he was the subject of an internal investigation. I had him read, initial, sign, and date the ***Notice of Internal Investigation/Garrity Advisement*** (Item 1) form and acknowledge that he understood. I briefly advised him of the nature of my investigation and advised him that he was not to speak with anyone regarding the allegations, with the exception of his family and an attorney. I did not obtain a statement from Lt. McLeod at that time but advised him that I would do so after speaking with Ms. Pfeifer regarding the allegations. Lt. McLeod advised me that he would be seeking legal council related to Ms. Pfeifer posting allegations on Social

Media. He provided me the two separate social media messages that he had obtained from a Facebook friend related to the allegations (Item 4 and Item 5)

I contacted Marcie Pfeifer via the phone number she provided to Sgt. Ruelle. I informed Ms. Pfeifer that we were investigating the allegations she had made against Lt. McLeod. We arranged to meet on 7-8-20, at the Fargo Police Department, to allow her the opportunity to provide a statement and any relevant information related to the allegations.

7-2-20

I was put in contact with Lt. Dana Rustebakke from the Valley City Police Department. He advised me that Ms. Pfeifer had contacted him regarding Lt. McLeod and two other individuals. He had originally planned to meet her in Fargo, but she opted to come to Valley City today to speak with him and a NDBCI Agent regarding the allegations. Lt. Rustebakke provided me additional social media messages related to the allegations that he had received from one of Ms. Pfeifer's Facebook friends (Item 6).

7-5-20

I was contacted by Lt. Rustebakke from the Valley City Police Department. He advised me that he and Agent Jim Shaw from the NDBCI interviewed Ms. Pfeifer at the end of last week. He indicated that she referred to three individuals who she alleged had raped her during approximately the same period of time. One of the three individuals she referred to was Matt McLeod. The account of the incident, provided by Ms. Pfeifer, occurred in 1992 at her parent's residence and involves Matt McLeod allegedly digitally penetrating her with his fingers. Lt. Rustebakke indicated that Ms. Pfeifer came to the Valley City Police Department to file a complaint against the three male individuals. He will be forwarding the information to his Prosecutor for review. He also indicated that he would send me any reports or applicable information related to his investigation.

Chief Klug spoke with the City Prosecutor as well as the Human Resources Director regarding the allegations. They indicated that from an H.R. perspective there is no legal ability to take any type of action due to McLeod's age at the time and the number of years that have passed since the incident. In addition, the City Attorney indicated that the Statute of Limitations has expired to pursue any criminal charges against McLeod related to the incident. Chief Klug asked that I contact Ms. Pfeifer and advise her that we will not interview her on 7-8-20, as previously arranged, but we will let the Valley City Police Department conduct their investigation. Once they have completed their investigation, they will forward any reports available and we can decide about opening a formal Internal Investigation at that point.

I contacted Ms. Pfeifer and verified that she had filed a report with the Valley City Police Department. I advised her that we would be letting Valley City conduct their investigation so-as-not to interfere or duplicate any of the investigative processes. I also advised Ms. Pfeifer that we would be receiving all the applicable reports. She agreed and understood.

7-12-21

I was contacted by Chief Klug regarding this case. He indicated that Ms. Pfeifer had emailed the City Manager, (2) City Council Members, and himself regarding these allegations. He asked that I contact the Valley City Police Department to learn their status and to possibly expedite anything possible. I contacted Lt. Rustebakke from the VPD. He indicated that Ms. Pfeifer had contacted them as well regarding the allegations. He said that Ms. Pfeifer had sent the emails when Bill Cosby was released

from jail on his charges. Lt. Rustebakke said that he will contact his State's Attorney's Office this afternoon and speak with them about his case. He will contact me as soon as he learns any new information. According to Lt. Rustebakke he didn't feel as if there were any possibility of charges being filed on Lt. McLeod due to lack of evidence and/or actual witnesses.

I brought Lt. McLeod to my office and advised him of the contacts that had been made with the City Manager, City Council Members, and Chief Klug. He aware of the email to the Chief, and other Social Media posts that have been made regarding the allegations.

11-15-21

I received an email from Lt. Rustebakke from the Valley City Police Department. He advised me that their State's Attorney had decided to decline prosecution in the case and cited lack of evidence. He forwarded me the email from the State's Attorney's Office stating this as well.

I contacted Lt. McLeod and advised him of the case decision in Valley City. I also forwarded the information to Chief Klug. Chief Klug requested that I do an Open Records Request for the Valley City Investigative file for their case.

11-16-21

I emailed the Valley City Police Department Records Division in reference to an Open Records Request for their case file. The email was sent to: asuhr@valleycity.us. Later that day I received an email back from Andrea Suhr from the Valley City Police Department. She attached a copy of the incident report, the investigative report, the social media posts related to the complaint, and the non-prosecution letters for all three individuals named by Ms. Pfeifer. These documents will be attached to this case file under items 7-11.

SUMMARY

The following points can be drawn from the Criminal Investigation conducted by Valley City Police Department as well as interviews obtained from Lt. McLeod and Ms. Pfeifer:

- The alleged offense occurred at some point during the summer of 1992, which was over 29 years in the past.
- When the alleged incident occurred, Ms. Pfeifer was a juvenile (15) years of age and Lt. McLeod was a juvenile (17) years of age.
- There are no witnesses to either corroborate or dispute Ms. Pfeifer's claims or Lt. McLeod's denial of the claims.
- A criminal investigation into the matter was conducted by another law enforcement agency.
- A criminal complaint was forwarded to the Barnes County State's Attorneys Office for review. After their review their position was that the case lacked evidence and therefore they declined prosecution.

Upon reviewing Minot Police Department Policy, City of Minot Policy, and North Dakota Statute the following determinations can be made:

- If this alleged offense did occur, Lt. McLeod was a juvenile at the time. In addition, there may be issues with the Statute of Limitations related to a potential offense.
- This alleged offense took place years before Lt. McLeod began his career in Law Enforcement or with his employment at the City of Minot Police Department.

- This report was vetted by our department, investigated by a separate agency, and reviewed by a Prosecutor's Office who did not feel the case had enough evidence to prosecute.

CONCLUSION-

There is no identifiable violation of Minot Police Department and/or City of Minot policy. The basis for this is due to the length of time that has passed since the alleged offense, the fact that Lt. McLeod was a minor at the time, the complete lack of evidence or corroboration, that fact that he did not work for our agency at the time of the alleged offense, and also that after a law enforcement investigation a prosecutor's office has declined prosecution. The City of Minot Human Resources Director has also indicated that there is no basis for further investigation or discipline due to these same set of facts.

Captain Jason Sundbakken
Administrative Commander
Minot Police Department

_____

Marcie Pfeifer
1 hr ·

What I'm about to write is absolutely going to make you uncomfortable. I promise you. I used to be embarrassed about what happened to me but I'm no longer ashamed.

Here's one of the reasons why I hate trump. You've all, I assume, read how he said he would love to grab any good looking woman by the pussy; how they would love it because he's a star (I'm paraphrasing). This is the biggest thing I have an issue with. Keep reading (where you're about to become uncomfortable).

I was a teenager. I loved my boyfriend, Matt McLeod. We went out one night. He came over and he date raped me. Now, it wasn't what you'd think of when you think of rape but he put his hands and fingers where I didn't want them and I said no dozens of times. He didn't relent. I finally just let him cause I didn't know what to do. He's now a detective. He raped me but he's now a member of law enforcement.

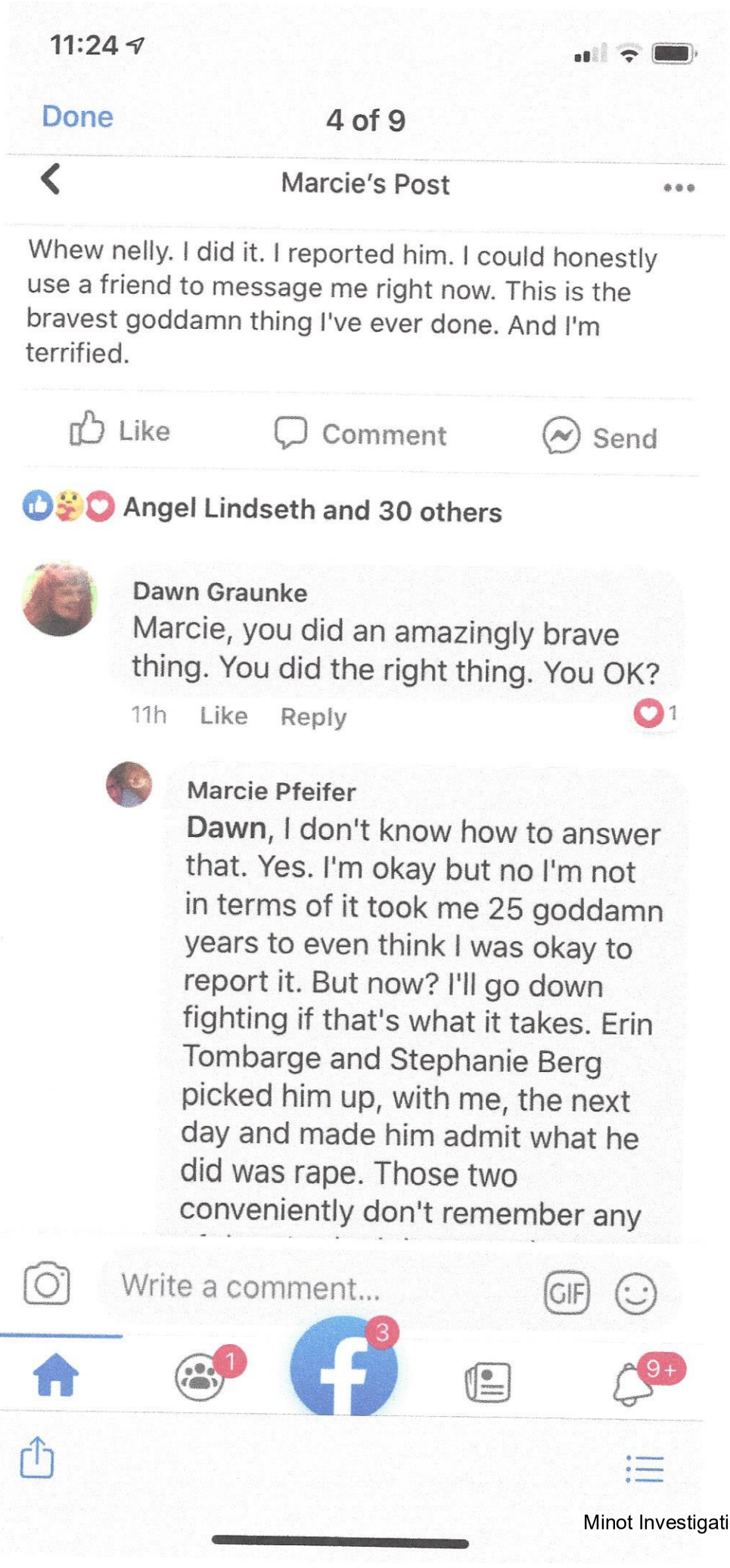
A year after maybe I met Todd Pederson. He worked at the bowling alley in town. I had a huge crush on him. He started showing me interest. Long story short, he groomed me. He was in his 20's and I didn't see it as wrong. I saw it as wow, a cute guy loves me. He did things to me that hurt and I hated but I didn't know they were wrong. He was my chaperone on a bowling tournament. You can imagine how that turned out. I was 16.

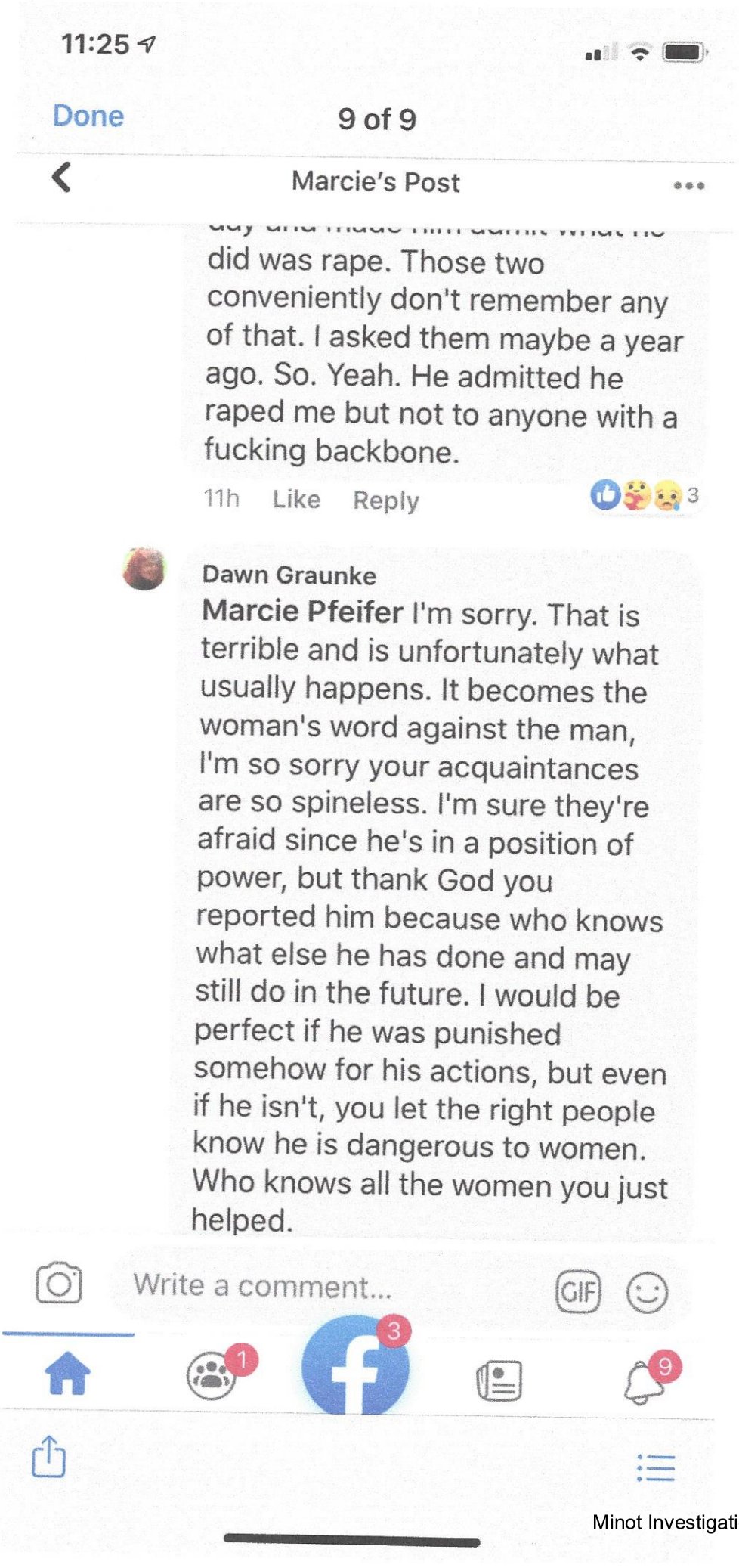
Kathy, thanks ma'am! I just know that my family worries about me when I spew this shit cause they think I'm sitting home and drinking and getting all mad.

Yes. I'm mad but it's not alcohol fueled. It's oh my god can we not have a piece of shit in charge fueled.

I shouldn't be embarrassed. I am sometimes. I'm more mad cause the day after Matt McLeod raped me, me and two of my friends picked him up and made him admit he raped me. Those two friends don't remember this and also wouldn't delete him as a friend 20 years later when I asked. I would love to call the police station in Minot and report him but I have no proof. He's a fucking detective now. I don't think it takes a genius to figure out how he would respond to a date rape.

Write a comment... GIF


11:24
Done
4 of 9
Marcie's Post
Whew nelly. I did it. I reported him. I could honestly use a friend to message me right now. This is the bravest goddamn thing I've ever done. And I'm terrified.
Like
Comment
Send
Angel Lindseth and 30 others
Dawn Graunke
Marcie, you did an amazingly brave thing. You did the right thing. You OK?
11h Like Reply
1
Marcie Pfeifer
Dawn, I don't know how to answer that. Yes. I'm okay but no I'm not in terms of it took me 25 goddamn years to even think I was okay to report it. But now? I'll go down fighting if that's what it takes. Erin Tombarge and Stephanie Berg picked him up, with me, the next day and made him admit what he did was rape. Those two conveniently don't remember any
Write a comment...
GIF
1
3
9+


11:25
Done
9 of 9
Marcie's Post
did was rape. Those two conveniently don't remember any of that. I asked them maybe a year ago. So. Yeah. He admitted he raped me but not to anyone with a fucking backbone.
11h Like Reply
3
Dawn Graunke
Marcie Pfeifer I'm sorry. That is terrible and is unfortunately what usually happens. It becomes the woman's word against the man, I'm so sorry your acquaintances are so spineless. I'm sure they're afraid since he's in a position of power, but thank God you reported him because who knows what else he has done and may still do in the future. I would be perfect if he was punished somehow for his actions, but even if he isn't, you let the right people know he is dangerous to women. Who knows all the women you just helped.
Write a comment...
GIF
1
3
9

11:25

Done 5 of 9

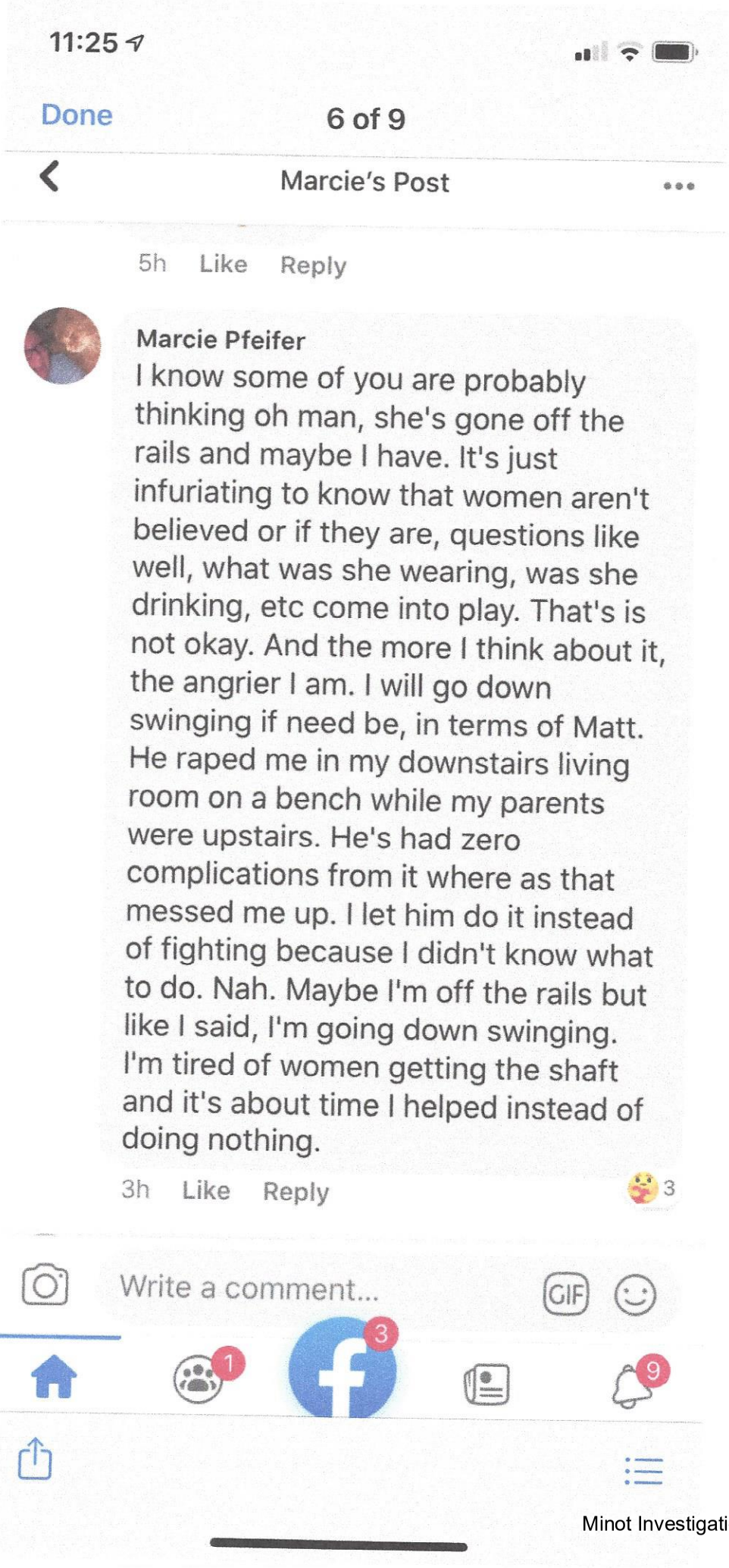
Marcie's Post

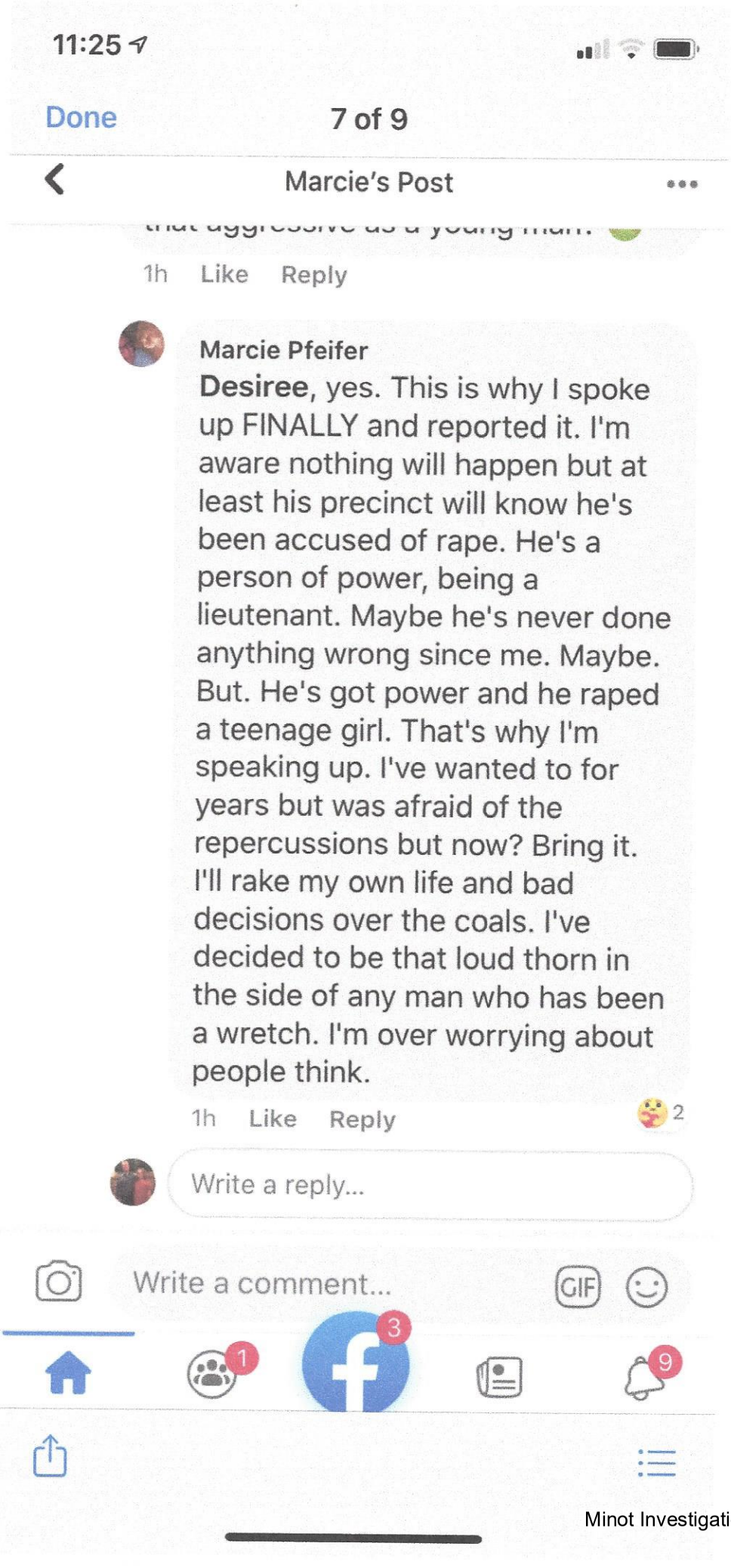
Marcie Pfeifer
I accidentally submitted this photo.

11h Like Reply

Marcie Pfeifer
Here's the thing. We are silenced. We are hushed. We are told not to be dramatic. I'm done being nice. I'm done. Matt raped me. Guess what? I'm coming after Todd Pedersen and Shane Beauregard next. I'm done caring if you think I'm stirring the pot. My insides were stirred with with a penis or fingers...isn't that enough? Nah. Fuck the rapists. We have been way too quiet. We are coming for you.

Write a comment... GIF


11:25
Done
6 of 9
Marcie's Post
5h Like Reply
Marcie Pfeifer
I know some of you are probably thinking oh man, she's gone off the rails and maybe I have. It's just infuriating to know that women aren't believed or if they are, questions like well, what was she wearing, was she drinking, etc come into play. That's is not okay. And the more I think about it, the angrier I am. I will go down swinging if need be, in terms of Matt. He raped me in my downstairs living room on a bench while my parents were upstairs. He's had zero complications from it where as that messed me up. I let him do it instead of fighting because I didn't know what to do. Nah. Maybe I'm off the rails but like I said, I'm going down swinging. I'm tired of women getting the shaft and it's about time I helped instead of doing nothing.
3h Like Reply
3
Write a comment...
GIF
1
3
9


11:25
Done
7 of 9
Marcie's Post
1h Like Reply
Marcie Pfeifer
Desiree, yes. This is why I spoke up FINALLY and reported it. I'm aware nothing will happen but at least his precinct will know he's been accused of rape. He's a person of power, being a lieutenant. Maybe he's never done anything wrong since me. Maybe. But. He's got power and he raped a teenage girl. That's why I'm speaking up. I've wanted to for years but was afraid of the repercussions but now? Bring it. I'll rake my own life and bad decisions over the coals. I've decided to be that loud thorn in the side of any man who has been a wretch. I'm over worrying about people think.
1h Like Reply
2
Write a reply...
Write a comment...
GIF
1
3
9

Marcie Pfeifer
26 mins ·

Change of plans. I'm going to valley city today to give my statement about Todd. I can't wait for both until next week. I'm too much of a wreck. And now I sit with the knowledge that I'm going to have to relive every detail of his grooming me and knowing I don't remember a ton. Having to tell a man, in explicit detail, what he did to me and my body is beyond terrifying but I'm going to do it. It's time. I'll be alone as I don't know who to ask to come with me but I'll be okay I think.

4 2 Comments

Like Comment

Amy Dudeman I would go with you if we lived closer.
Like · Reply · 16m

Cynthia Barber Be proud of your bravery. I'm rooting for you. Sending good vibes.
Like · Reply · 7m

Write a comment...

Marcie Pfeifer
11 hrs ·

I'm a goddamn shit show. I never thought this rapist stuff would kick my ass but it has. I can't stop crying. I'm a fucking wreck. Fuck. Mad props to survivors. I just didn't expect this.

17 7 Comments

Marcie Pfeifer
12 hrs ·

I know I shouldn't be surprised but addressing two rapists has me a wreck. I've been sobbing on and off all day. This is almost too much for me.

20 11 Comments

Marcie Pfeifer
18 hrs ·

A captain called me today from Minot police. He is coming here (a 4-5 hour drive) to take my statement. He said he didn't think this should be over the phone when it's something of this caliber.

Y'all. I'm doing it. This is one of the most terrifying things ever but I'm not backing down.

He is coming Wednesday at 2pm. I don't know that I'm strong enough to make the statement but I'm going to try. ... See More

Kari Tangen Chitty and 63 others 21 Comments

Marcie Pfeifer
Yesterday at 8:03 AM ·

I know I've asked this before but let me try again. Does anyone have contact information for Todd Pederson? He lived in valley, sexually groomed me, and worked at Sky Lanes. If I reported Matt, I may as well do what I can with him. I've tried finding him over the years and haven't been successful. I know he worked at a bowling alley in fargo because I ran into him once. I guarantee he's ruined many girls' lives, as he did mine, and I'm tired of not being a huge thorn in their side. Can anyone help me locate him? He was maybe 21 when I was 16 back in 1993 or so.

5

Marcie Pfeifer

June 30 at 11:00 PM ·

Also. I just want you to know that if you come forward and say someone raped you and want your friends to delete them as a friend, I will delete delete delete their ass. I've lost quite a few "friends" by asking them to delete the piece of shit now lieutenant rapist and I won't do that to you. It felt horrible when my friends were like um let me talk to him first, I'm sure there was a misunderstanding or it's just Facebook, I won't delete him. Just thinking about it makes my stomach turn. Yes. Matt McLeod raped me. He's now a lieutenant in the Minot police force. He and I were dating when I was 15. He kept trying to go down my pants (at my parents' house, downstairs) and after about 20 times of saying no, I let him. It did not feel good. It hurt. He continued. That's my introduction to sex. Being forcibly fingered by someone I thought cared about me.

You think I'm crazy for posting this super uncomfortable shit? I'm every woman. We all have a story to tell. This is just one of them.

26 6 Comments

A captain called me today from Minot police. He is coming here (a 4-5 hour drive) to take my statement. He said he didn't think this should be over the phone when it's something of this caliber.
Y'all. I'm doing it. This is one of the most terrifying things ever but I'm not backing down.
He is coming Wednesday at 2pm. I don't know that I'm strong enough to make the statement but I'm going to try.
Here's the rough draft. Matt and I had gone out (maybe a movie?) and he came over. We made out (living room at my parents" house). He kept trying to go down my pants (I think we were on our church bench by the front door) and I kept moving his hand away cause I didn't want it. He persisted. I kept moving his hand (I don't think I actually said the word no, I just kept moving his hand). I finally let him. It hurt.
My two friends and I picked him up the next day and he admitted he raped me. My "friends" however have no memory of this but we drove around and made him apologize, admit he raped me, and promised never to do it again.
He's now a lieutenant and that horrifies me. How many domestic or sexual assault cases has he responded to where he's like, meh, it's not that bad.
I've never felt brave enough before to report him but I am now. I'm finally able to say burn the place down cause he raped me and has faced zero repercussions because of it. He hurt me and affected my upbringing. I was a teenage girl when he did it.
So. Here's me taking back my life. Here's to me saying fuck you to the rapists and abusers. Here's to me not being silent anymore.

Marcie Pfeifer Here's the thing. We are silenced. We are hushed. We are told not to be dramatic. I'm done being nice. I'm done. Matt raped me. Guess what? I'm coming after Todd Pedersen and Shane Beauregard next. I'm done caring if you think I'm stirring the pot. My insides were stirred with with a penis or fingers...isn't that enough? Nah. Fuck the rapists. We have been way too quiet. We are coming for you.

1 day ago

Help Marcie heal.

$1,545 raised of $10,000 goal

21 donors 92 shares 21 followers

Share

Donate now

Anonymous
$25 • 20 mos

John Fitzgerald
$200 • 20 mos

Anonymous
$10 • 20 mos

Lynette Schock
$100 • 20 mos

Kathy Cook
$50 • 20 mos

See all

Marcie Pfeifer is organizing this fundraiser.

Created October 18, 2018 | Medical, Illness & Healing

Okay. I feel like a buttface doing this but I am going to start intensive outpatient treatment for PTSD and alcohol abuse disorder on Monday. The treatment to address 35+ year old trauma is going to cost me $8000. At least. I have insurance but the deductible and out of pocket is almost $9000 and then I'm still responsible for more. I've treated my ptsd with alcohol for decades. I've tried to do one or the other, treatment wise, and it doesn't work (shocking). I'm going to do this regardless because I don't want to die (the suicidal thoughts have been fucked since the whole kavanaugh bullshit started; probably a fourth of my trauma is sexual abuse, going back to when I was FIVE. I had repressed a lot of it and seeing how people responded made them come flooding back.) I want to live. And I need your help. This is mortifying to put out there but it is what it is. Thank you in advance.

Back story. In addition to the horrible sexual abuse, my first real boyfriend died when I was 17. My Mom died when I was 18. More sexual abuse. I broke my neck in a car wreck when I was 19. My dad is amazing now but he kicked me out after my surgery because he met a woman who hated me. I moved out of town and there was a horrible flood; I lost half my belongings to looters. I met a guy who was "great," and he ended up being an abusive monster. I'm not even 21 at this

Updates (2)

OCTOBER 21, 2018 by Marcie Pfeifer, Organizer

Okay. Tomorrow is the day. First, thank you everyone who has donated. My heart sometimes can't process the love and gener osity, especially since I feel like such a damn failure. I appreciat e everything! Every cent, every kind wish and every share.
I found out it's not intensive outpatient; it's partial hospitalizat

ion so a bit more intense than IOP. Which, honestly, I think is b etter. The more I think about the trauma, the more that keeps getting added. Most people knew I had a bad stalker (one who tried to run me off a highway) but I had one when I was 17 who tried breaking into where I worked and then months later, bro ke into my apartment (I only left for about 15 minutes so he wa s watching me). Nothing police could do. I had another one wh en I was 21. I moved away and changed my number. He found i t and left messages all the time about wanting to slit my throat, that he knew where I lived, and even called on Halloween (my mom's death anniversary) to tell me he was going to dig up my mom and fist her wormy ass, and then bury my dead, raped bo dy next to her. Police could do nothing. He also stole my car, w hich unthefuckfortunately, had my mom's wedding dress in the trunk. I never got it back. This is some of the stuff I have been s tuffing down with beer. How does one process shit like that? R epeated shit?

Anyway, that's just another moment in the traumatic life of Ma rcie, for which I am truly trying to escape. So. Thank you. From the bottom of my still beating heart! Please feel free to contin ue sharing and if you can, donating! Well. Don't donate twice. That would be silly; you know what I mean!

- **OCTOBER 19, 2018** by Marcie Pfeifer, Organizer

I'm going to find a responsible adult to link their bank account the th e funds. If a worst case scenario happens, and I don't get sober, I do n't want to use any money towards beer because if I did that, I would 100% die by suicide out of shame. I can only image the hesitancy so me of you may have, wondering if I will use it for beer. And the answ er is a hard no. I will make it so I can't because, like I said, I want so ve ry much to live. I just can't take the flashbacks and nightmares and c onstantly being on edge, the anxiety and depression that comes fro m ptsd and that's the only thing (drinking) that has, in its own way, h elped. I hope treatment will help me conquer (fuck even manage) bot h.

Donate **Share**

Organizer

Marcie Pfeifer
Organizer
Fargo, ND

Contact

Comments

John Fitzgerald donated **$200**
You got this Marcie.

20 mos

Julie Meister commented

Sending you warm, healing thoughts . . . Bud and I both are . . . h ugs!

20 mos

Dawn Roach commented

I wish you peace and the tools so you can forgive yourself.

20 mos

Kathy Cook donated **$50**

I donated because you should concentrate on getting better a nd healing not worrying about a medical bill

20 mos

Tanya Bradley donated **$25**

Sending you all the positive energy I can Marcie! ♥

20 mos

Tanya Fleming donated **$100**

Taking the initiative to make healing a priority like this is so go ddamned hard, but it's the most revolutionary thing we can do. I'm proud to call you friend. I wish it could be so much more.

20 mos

Pamela Jessen donated **$25**

I donated because I believe in you Marcie and I know you can g et through this!

20 mos

Karen Robinson donated **$500**

Everyone who wants to heal should be supported in doing so. Plus, Marcie's pretty cool

20 mos

Theresa Biele donated **$50**

Praying for you, Marcie

20 mos

Margo Jones donated **$10**

Hugs ♥♥♥

20 mos

Report fundraiser

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Calls For Service

Valley City PD

CFS Number: VC-20-03830
Case Number: VC-20-00366

CFS Date	7/1/2020
Received Time	3:30:00 PM
Dispatched Time	3:45:00 PM
Arrived Time	3:45:00 PM
Cleared Time	4:00:00 PM
Dispatcher	1535 - Rustebakke, Dana S
Source	P - Phone
Location Name	Police Department
Address	216 2nd Ave Ne
CSZ	Valley City, ND 58072
Jurisdiction	
District	
Grid	
Sector	

Coordinate X	
Coordinate Y	
Call Type	P - Police Only
Reported Offense	11DL - Sexual Assault, victim age 15-17 w/ adult 22+
Verified Offense	11DL - Sexual Assault, victim age 15-17 w/ adult 22+
Disposition	10 - Verified Entry
Priority	
Classification	
Tow Company	

Officers
1535 - Rustebakke, Dana S

Complainant/Subject

Complainant Name **Pfeifer, Marcie Lee**

Address	CSZ	Address Type	County	Country
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Redacted pursuant to N.D.C. § 44-04-18.7

Phone Number	Phone Type
[redacted]	C - Cell

Email Address

Sex	F - Female
Race	W - White
Ethnicity	N - Not of Hispanic/Latino Origin
DOB	[redacted]
Age	[redacted]
Juvenile	N - No

Hair Color	BRO - Brown
Height	[redacted]
Weight	[redacted]
DLN	[redacted]
DL State	[redacted]
Expiration Date	

Redacted pursuant to N.D.C. § 44-04-18.7

Calls For Service

CFS Number: VC-20-03830
Case Number: VC-20-00366

Eye Color	BLU - Blue	SSN	

CAD Contact Information

Vehicle Information From CAD

Vehicle Information

Dispatch Notes

Marcie Pfeifer called reporting a sexual assault from approximately 25 years ago. BCI was contacted and will be assisting with the investigation.

Officer Notes

Case Report

Valley City PD

Case Report Number VC-20-00366-003
Case Number: VC-20-00366
CFS Number: VC-20-03830

Subject	11DL - Sexual Assault, victim age 15-17 w/ adult 22+	Coordinate X	
Entered On	8/31/2021 9:21:04 AM	Coordinate Y	
Entered By	1535 - Rustebakke, Dana S	Call Source	P - Phone
Reported On	7/1/2020	Related Cases	
Reporting Officer	1535 - Rustebakke, Dana S	Means	
Report Type	Crime Report	Motives	
Disposition	1 - Exception		
Assisted By		Vehicle Activity	
Occurred On (Date and Time)	Wednesday 7/1/2020 10:57:00 AM	Direction Vehicle Traveling	
Or Between (Date and Time)		Cross Street	
Location Name		Notified	
Address		Exceptional Clearances Basis	Prosecution Declined
CSZ		Exceptional Clearance Date	7/27/2021
Jurisdiction			
District			
Sector			

Offense

Offense	**11DJ - Sexual Assault (M)B**	Suspected of Using	None/Unknown
IBR Code	11D	Weapons	40 - Personal Weapons (Hands, Feet, Teeth, etc.)
Location Type	20 - Residence/Home	Criminal Activity	
Completed	Y - Yes	Type Security	
Hate/Bias	88 - None (No Bias)	Tools	
Premises Entered			
Entry			

Offenders

Suspect Name **Pederson, Todd Charles** Alias

Address	CSZ	Address Type	County	Country
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Redacted pursuant to N.D.C.C. § 44-04-18.7(6)

Phone Number	Phone Type	Email Address
[redacted]	C - Cell	

Sex	M - Male	Hair Color	[redacted]	Resident	N - Nonresident
Race	W - White	Hair Style		POB	
Ethnicity	N - Not of Hispanic/Latino Origin	Hair Length		DLN	[redacted]
		Facial Hair		DL State	ND - North Dakota
DOB	[redacted]	Complexion		DL Country	USA - United States of America
Age	[redacted]	Teeth			
Juvenile	N - No	Build		SSN	
Eye Color	[redacted]	Height	[redacted]		
		Weight	[redacted]		

Redacted pursuant to N.D.C.C. § 44-04-18.7(6)

Scars, Marks, Tattoos	SMT Location	Description

Attire		MO	
Employer/School			
Employer Address		Habitual Offender Status	
Employer CSZ		Notes	
Occupation/Grade			

Suspect Name **McLeod, Matthew Thomas** Alias

Address	CSZ	Address Type	County	Country
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Phone Number	Phone Type	Email Address

Sex	M - Male	Hair Style		Resident	N - Nonresident
Race	U - Unknown	Hair Length		POB	
Ethnicity	U - Unknown	Facial Hair		DLN	[redacted]
DOB	[redacted]	Complexion		DL State	ND - North Dakota
[redacted]	[redacted]	Teeth		DL Country	USA - United States of America
Juvenile	N - No	Build			
Eye Color	[redacted]	Height	[redacted]	SSN	
Hair Color	[redacted]	Weight	[redacted]		

Scars, Marks, Tattoos	SMT Location	Description

Attire
Employer/School
Employer Address
Employer CSZ
Occupation/Grade

MO

Habitual Offender Status
Notes

Suspect Name **Burgard, Shane**

Alias

Address	CSZ	Address Type	County	Country

Phone Number	Phone Type

Email Address

Sex	M - Male	Hair Style		Resident	N - Nonresident
Race	U - Unknown	Hair Length		POB	
Ethnicity	U - Unknown	Facial Hair		DLN	
DOB	[redacted]	Complexion		DL State	
Age	[redacted]	Teeth		DL Country	
Juvenile	N - No	Build		SSN	
Eye Color		Height			
Hair Color		Weight			

Scars, Marks, Tattoos	SMT Location	Description

Attire
Employer/School
Employer Address
Employer CSZ
Occupation/Grade

MO

Habitual Offender Status
Notes

Redacted pursuant to N.D.C.C. § 44-04-18.7(6)

Victims

Victim Name **Pfeifer, Marcie Lee**
Aliases

Victim Type I - Individual
Victim of 11DJ - Sexual Assault (M)B
Domestic Indicator Non-Domestic

Was Marsy's Card Provided? Yes

Asserted Date 7/2/2020

Victim Asserted Non-Disclosure Right Yes - Do Not Disclose Contact Info

Address	CSZ	Address Type	County	Country
[redacted]	[redacted]	H - Home	[redacted]	USA - United States Of America

Phone Number	Phone Type
[redacted]	C - Cell

Email Address

Sex F - Female
Race W - White
Ethnicity N - Not of Hispanic/Latino Origin
DOB [redacted]
Age [redacted]
Juvenile N - No

Eye Color [redacted]
Hair Color [redacted]
Facial Hair
Complexion
Height [redacted]
Weight [redacted]
Resident N - Nonresident
POB

DLN [redacted]
DL State ND - North Dakota
DL Country USA - United States of America
SSN
Attire

Employer/School
Employer Address
Employer CSZ
Occupation/Grade

Testify
Injury N - None
Circumstances
Just. Hom. Circ.

Offender	Relationship
S - Pederson, Todd Charles	AQ - Victim Was Acquaintance
S - McLeod, Matthew Thomas	AQ - Victim Was Acquaintance
S - Burgard, Shane	RU - Relationship Unknown

LEOKA Type
Assignment
Activity
ORI-Other Jurisdiction

Notes

Redacted pursuant to N.D.C.C. §12.1-35-03.

Witnesses

Other Entities

Properties

Narrative

	1535 - Rustebakke, Dana S

VALLEY CITY POLICE DEPARTMENT

DATE: July 1, 2020
CASE #: VC-20-00366
OFFICER: Lt. Dana Rustebakke
SUSPECT: Todd Pederson
VICTIM: Marcie Lee Pfeifer
INCIDENT: Sexual Assault

NARRATIVE

1. On July 1, 2020 I Lt. Dana Rustebakke was advised Marcie Pfeifer had called the Valley City Police Department to report a sexual assault which occurred approximately 25 years ago. Marcie Pfeifer's contact information was provided to me.

2. At approximately 15:47 hours I contacted Marcie Pfeifer by telephone. I identified myself to Marcie Pfeifer and asked what I could do for her. Marcie Pfeifer stated she was the victim of sexual grooming and rape approximately 25 years ago. Marcie Pfeifer stated she has been searching for the person who raped her and stated she discovered it is Todd Pederson and he possibly lives in Fargo, ND at this time. Marcie Pfeifer commented she finally gained the courage to report the incident. While speaking with her, she was emotional and at times it was difficult for her to talk.

3. I asked Marcie Pfeifer where the incident happened and she stated it was at his house in Valley City. Marcie Pfeifer also commented about an incident where she was away for a bowling trip where Todd Pederson was the chaperon. She stated Todd Pederson gave alcoholic beverages to the other girls on her team so they would go away. I asked Marcie Pfeifer approximately how old was she when the incidents occurred and she replied 16. I asked if she has ever reported the incidents to law enforcement in the past and she replied no.

4. I explained to Marcie Pfeifer I would like to meet with her to interview her. We agreed to meet on 7/6/2020 in Fargo, ND. This case remains open at this time.

Lt. Dana Rustebakke
Valley City Police Department

	1535 - Rustebakke, Dana S

VALLEY CITY POLICE DEPARTMENT

DATE: July 2, 2020
CASE #: VC-20-00366
OFFICER: Lt. Dana Rustebakke
SUSPECT: Todd Pederson
Matt McLeod
Shane Beaurerard
VICTIM: Marcie Lee Pfeifer
INCIDENT: Sexual Assault

NARRATIVE

1. On July 2, 2020 I Lt. Dana Rustebakke received a phone call from Marcie Pfeifer at the Valley City Police Department. Marcie Pfeifer and I were going to meet in Fargo, ND on 7/6/2020 but she stated she no longer wants to wait that long.

Marcie Pfeifer stated she was going to travel to Valley City, ND to meet with me. It was agreed we would meet at the Valley City Police Department at approximately 14:00 hours. I contacted S/A James Shaw of the North Dakota Bureau of Criminal Investigation and asked if he would assist with the investigation.

2. S/A Shaw and I met with Marcie Pfeifer in the interview room of the Valley City Police Department. Marcie Pfeifer was sitting with Kasey Skalicky who is an advocate with the Abused Person Outreach Center (APOC). I introduced S/A Shaw and myself to Marcie Pfeifer.

3. The interview began by Marci Pfeifer explaining how she has been trying to track down Todd Pederson for years. She stated he use to work at Sky Lanes in Valley City when she was teenager. Marci Pfeifer stated she believes Todd Pederson as possibly sexually groomed other girls. She also stated it has taken her 25 years to come forward.

4. Marci Pfeifer was asked to explain what happened with Todd Pederson. She stated he worked at Sky Lanes and she was in a bowling league. Todd Pederson was 21 years old at the time, and Marcie Pfeifer was 16 years old. Marcie Pfeifer stated he would give her alcohol. She explained an incident where he pulled her into a back room and kissed her. Marcie Pfeifer stated Todd Pederson also worked at the Valley City Country Club, and was in the pro shop. When he would work there, Marcie Pfeifer would go visit him there.

5. Marcie Pfeifer stated Todd Pederson lived with his parents in Valley City. Marcie Pfeifer explained and incident where she went to his house to hang out. While there, Marcie Pfeifer's father called and found out she was at the residence. Marcie Pfeifer was asked what happened at the residence. She stated they were making out, and at one point she was nude. Marcie Pfeifer stated Todd Pederson wanted to show her how to have sex, and told her she would grow into it. Marcie Pfeifer stated, "It hurt."

6. Marcie Pfeifer also explained how Todd Pederson volunteered to chaperon a bowling trip. Marcie Pfeifer did not remember what town they were at, but stated they stayed at a hotel. Marcie Pfeifer stated Erin Tombarge, and Gina Malone were also on the bowling trip as they were on the same team. Marcie Pfeifer explained Todd Pederson provided the other girls alcoholic beverages, and she stayed in his room for the night.

7. Marcie Pfeifer started a relationship with a Carleton Hough after the incident during the bowling trip. Due to this relationship, she had limited contact with Todd Pederson. She stated Todd Pederson would continue to provide alcohol for her. She also commented on how older men like her. Marcie Pfeifer explained she last saw Todd Pederson working at the bowling alley in the late 1990's. Marcie Pfeifer stated a friend of hers provided a picture of Todd Pederson to help track him down. I asked if she has ever reported this in the past and she replied no. Marcie Pfeifer stated she has been in counseling in the past, and also has been in some legal trouble. Marcie Pfeifer was asked if she disclosed the incident while in counseling, and she replied yes. She also stated she reported sexual harassment when she was in school.

8. Marcie Pfeifer was asked if she remembers when the incidents occurred, and she believes it was during the spring and winter of 1993. Marcie Pfeifer explained the first incident happened at the bowling alley, and the second incident happened at the hotel. She stated she does not remember what town they were in, or what hotel they stayed at.

9. Marcie Pfeifer was asked to explain the first incident further. She described Todd Pederson as a nice-looking guy. She stated she loved the attention he gave her. Marcie Pfeifer stated Todd Pederson asked her to come in the back room of the bowling alley. Once there, he grabbed her, and they started kissing. Marcie Pfeifer explained Todd Pederson put his arms around her, and described it as embracing. Marcie Pfeifer stated she loved the kiss, and thought Todd Pederson was her boyfriend. Marcie Pfeifer was asked to describe the room they were in. She stated it was a small room, had an ice chest, and was poorly lit. Marcie Pfeifer stated she believes she told Erin Tombarge, Jenner Bushman, and Linda Tran (Knutson).

10. Marcie Pfeifer talked about an incident when she reached out to Erin Tombarge. Marcie Pfeifer stated Erin Tombarge had picked someone up, and made him admit he sexually assaulted Marcie Pfeifer. Marcie Pfeifer commented this person is now a Lieutenant with the Minot Police Department.

11. Marcie Pfeifer then talked about Todd Pederson when he worked at the Valley City Country Club. Marcie Pfeifer stated she would talk with him on the phone every night. Marcie Pfeifer stated she felt everything was mutual between them, and commented she was in love with him. Marcie Pfeifer stated she would sneak over to his residence, but thinks her parent knew what she was doing.

12. Marcie Pfeifer was asked to explain going over to Todd Pederson's residence. She stated she lived on Chautauqua Boulevard in Valley City. Marcie Pfeifer explained she would lie to her parents about where she was going, but would go to Todd Pederson's residence who lived in the North West part of Valley City. Marcie Pfeifer state Todd Pederson lives in the basement of his parents residence. She thought there may have been a separate door to get to the basement, but could not remember for sure. Marcie Pfeifer was asked what happened when she was there, and she replied sexual stuff. Marcie Pfeifer explained she was at his residence on at least 2 occasions. She thought she would park around the corner when she was at his house.

13. Marcie Pfeifer was asked what she meant by sexual stuff happened. She explained she would be naked on the bed. She stated the bed was in the middle of what she thought was a living room area in the basement. Marcie Pfeifer stated Todd Pederson would undress her. Marcie Pfeifer commented Todd Pederson would go down on her, and finger her. Marcie Pfeifer stated, "He would rub my clit." She was told by Todd Pederson he was teaching her how to like it with older men.

14. Marcie Pfeifer was asked how it ended, and she stated she did not remember. Marcie Pfeifer stated she would get dressed and go home. Marcie Pfeifer was asked if Todd Pederson was clothed during the incident, and she stated he was nude. Marcie Pfeifer was asked if they ever had sexual intercourse, and she replied no. Marcie Pfeifer was asked if Todd Pederson ever ejaculated, and she explained she does not remember if he finished himself off, or if she did. Marcie Pfeifer was asked if Todd Pederson had any distinguishing marks on his body, and she stated she does not remember. Marcie Pfeifer was asked if Todd Pederson's penis was circumcised, and she again stated she does not remember. Marcie Pfeifer was asked how long the relationship lasted, and she thought it was approximately 6 months. Marcie Pfeifer commented she thinks Todd Pederson may have started to date someone else.

15. Marcie Pfeifer stated she did keep a journal during the time. In the journal she documented the relationship with Todd Pederson. Marcie Pfeifer stated a later boyfriend in her life found the journal, and made her throw it away. Marcie Pfeifer commented again, Erin Tombarge knows about the relationship. Marcie Pfeifer stated she never confided with any adults about what happened. She did tell a boyfriend she had, and he was upset and commented on how he wanted to kill Todd Pederson. Marcie Pfeifer was asked where that boyfriend is today, and she stated he is deceased.

16. Marcie Pfeifer explained after her relationship with Todd Pederson, her mother was dying at the time. She stated her family later found about her relationship with Todd Pederson. Marcie Pfeifer stated her brother, James Pfeifer knows about the incident. Marcie Pfeifer was asked what kind of outcome she was looking for, and she replied she did not know.

17. Marcie Pfeifer explained the research she has done on Todd Pederson. She knows he is married and living in Fargo, ND. Marcie Pfeifer has reached out to Facebook friends looking for information. She commented a Roxanne Drake knows what happened also, but she died in 2013. Marcie Pfeifer stated a friend of hers provided her a picture of Todd Pederson, and she identified him through the picture. Marcie Pfeifer was asked who provided the picture, and she said her friend does not want to help, therefore she was not going to provide a name. Marcie Pfeifer explained she has been sharing information on Facebook to her friend.

18. Marcie Pfeifer was asked about the person living in Minot, ND for which she had mentioned. Marcie Pfeifer stated his name is Matt McLeod, and he is a lieutenant with the Minot Police Department. Marcie Pfeifer commented she was raped by him when she was 15 years old. She stated she has reached out to Minot Police Department about the allegation. Marcie Pfeifer stated she spoke with a Captain there but could not recall the name. Marcie Pfeifer also mentioned there is a third suspect named, Shane Beaurerard. She stated there was an incident with him when she was 18 years of age.

19. Marcie Pfeifer was asked to describe what happened with Matt McLeod. She stated she was date raped by him.

Marcie Pfeifer stated the incident occurred during the fall of 1992, and Matt McLeod admitted it to her. She explained the incident happened at her house, and they were in the living room area. They were sitting on a piece of furniture she described as a church bench. Marcie Pfeifer explained they were making out, and he kept trying to finger her. At one point, she stated she finally let him.

20. Marcie Pfeifer was asked if anybody knows of the incident. She replied Stephanie Berg and Erin Tombarge know of the incident. Marcie Pfeifer was asked if she ever reported the incident. She stated reported it on June 30, 2020 and she reported it to Minot Police Department. Marcie Pfeifer was asked how the incident ended, and she said he just stopped and left. Marcie Pfeifer commented she is pissed off because he is a lieutenant now with the Minot Police Department. Marcie Pfeifer was asked how old he would have been at the time of the incident and she replied, “Seventeen.”

21. Marcie Pfeifer explained the next day after the incident, Stephanie, Erin Tombarge, and her picked up Matt McLeod. They drove around Valley City and admitted to them he sexually assaulted Marcie Pfeifer. She reached out to Stephanie and Erin Tombarge recently, and they told her they do not remember the incident.

22. Marcie Pfeifer stated she was dating Matt McLeod for approximately 3 months. She believes she was in the 8th grade when they first started dating. Marcie Pfeifer stated her family found out about the incident later in life. She commented Matt McLeod and James Pfeifer were not friends back then.

23. Marcie Pfeifer began to talk about the third suspect, Shane Beaurerard. Marcie Pfeifer spelled out his last name but was not sure if it is the correct spelling. Marcie Pfeifer was asked what happened and she stated it was a date rape. She explained the incident occurred fall to winter of 1996. She explained they went out drinking, and they wanted to have sex. Marcie Pfeifer stated Shane Beaurerard did not have a condom. It was at this time she stated she did not want to have sex with him due to not having a condom.

24. Marcie Pfeifer was asked where the incident happened. She stated it was at his residence. She stated she cannot remember where exactly, but it was in the north part of Valley City. Marcie Pfeifer did comment that during this time in life, she was promiscuous. Marcie Pfeifer stated she found out the contracted HPV, and believes Shane Beaurerard gave it to her. Marcie Pfeifer was asked about how much they had to drink the night of the incident. She described herself as being impaired, and he was drunk at the time. Marcie Pfeifer was asked what kind of sexual contact they had. She described vaginal sexual intercourse, and anal sex.

25. Marcie Pfeifer stated she went to the Doctors office in Jamestown, ND. She described having genital warts, and was ripping the warts off her body. Marcie Pfeifer explained she did have to have surgery due to complications. Marcie Pfeifer was asked when she had surgery, and she replied it was the winter of 1996. Marcie Pfeifer stated she had the surgery in Fargo, ND.

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26. Marcie Pfeifer commented she does not want anything to happen to Shane Beaurerard due to him going through a traumatic incident approximately 6 months after the incident with Marcie Pfeifer. She stated the traumatic incident was his roommate committed suicide inside their residence. Marcie Pfeifer also commented she thinks the incident was her fault. Marcie Pfeifer stated she is not sure at this time if Shane Beaurerard gave her the sexually transmitted infection or not. She stated she was drinking heavily at that point in her life. Marcie Pfeifer explained the last time she spoke with Shane Beaurerard was approximately 1 year ago, and does not know where he is at this time.

27. The interview ended and Marcie Pfeifer was given a Marsy’s Card. She stated she wanted to invoke her rights at this time. This case remains under investigation.

Lt. Dana Rustebakke
Valley City Police Department

	1535 - Rustebakke, Dana S

VALLEY CITY POLICE DEPARTMENT

DATE: July 6, 2020
CASE #: VC-20-00366
OFFICER: Lt. Dana Rustebakke
SUSPECT: Todd Pederson
Matt McLeod
Shane Beaurerard
VICTIM: Marcie Pfeifer
INCIDENT: Sexual assault

NARRATIVE

1. On July 6, 2020 at approximately 15:43 hours, Marcie Pfeifer contacted the Valley City Police Department. I Lt. Dana Rustebakke spoke with her. The reason for the phone call was to update me on some information involving the case where Marcie Pfeifer was sexually assaulted.

2. I identified myself to Marcie Pfeifer. She informed me the name of Shane Beaurerard was not the correct name. Marcie Pfeifer originally reported he may be a suspect in a sexual assault towards her. Marice Pfeifer stated the correct name is Shane Burgard. Marcie Pfeifer disclosed she did contact Shane Burgard by telephone on this date and confronted him. She stated Shange Burgard claimed he did not know her. She also stated she is not positive she received a sexually transmitted infection from him. She also stated it is possible she met him at an alcohol awareness class.

3. Marcie Pfeifer provided Shane Burgard's phone number [redacted] She also identified a Jenner Beauchman would have information in regards to her relationship with Todd Pederson. Marcie Pfeifer commented her brother, James Pfeifer remembers the incident with Matt McLeod. Marcie Pfeifer was advised the case is still under investigation.

Lt. Dana Rustebakke
Valley City Police Department

Redacted pursuant to N.D.C.C. §44-04-18.7(6).

	1535 - Rustebakke, Dana S

Valley City Police Department

Date: September 11, 2020
CASE #: VC-20-00366
OFFICER: Lt. Dana Rustebakke
SUSPECT: Todd Pederson
Matt McLeod
Shane Burgard
VICITM: Marcie Pfeifer
INCIDENT: Sexual assault

NARRATIVE

1. On September 11, 2020 I Lt. Dana Rustebakke made contact with Erin Everson (Tombarge). I received information Erin Everson may have information regarding the incidents involving Marcie Pfeifer.

2. I identified myself to Erin Everson. I asked if she was willing to talk to me and she replied yes. I informed her I was investigating a case where Marcie Pfeifer was sexually assaulted. I asked Erin Everson if she has any information about the investigation. Erin Everson commented she spoke with Marcie Pfeifer approximately 1 year ago. She described the conversation as strange. Erin Everson explained Marcie Pfeifer told her she was present in regards to the incident

involving Matt McLeod. Erin Everson stated she does know Matt McLeod.

3. I asked Erin Everson if she knows Todd Pederson. Erin Everson stated she knew Todd Pederson was a bowling coach. Erin Everson explained she remembers Marcie Pfeifer flirting with Todd Pederson, but does not think Todd Pederson was flirting with Marcie Pfeifer. I asked Erin Everson if she believes what Marcie Pfeifer is reporting, and she replied, "No." Erin Everson stated Marcie Pfeifer flirted with everybody, and was promiscuous.

4. I next spoke with Stephanie O'Halloran (Berg). I identified myself to Stephanie O'Halloran and explained I was investigating a case involving Marcie Pfeifer. Stephanie O'Hallloran stated she would answer my questions. Stephanie O'Halloran explained Marcie Pfeifer contacted her approximately 1 1/2 years ago through Facebook. She stated Marcie Pfeifer brought up the name Matt McLeod. She stated Marcie Pfeifer is claiming she was in a vehicle when Matt McLeod admitted sexually assaulting Marcie Pfeifer, but she was not in the vehicle. Stephanie O'Halloran stated she was not really friends with Marcie Pfeifer.

5. Stephanie O'Halloran commented on how she dated Matt McLeod, and would not have dated him if he had done what Marcie Pfeifer is alleging. Stephanie O'Halloran stated whatever Marcie Pfeifer is claiming Matt McLeod did, he is not that type of person. I asked Stephanie O'Halloran when did her and Matt McLeod date, and she stated it was during her sophomore year in high school. Stephanie O'Halloran stated Matt McLeod never talked about Marcie Pfeifer. I asked Stephanie O'Halloran if she knows Todd Pederson, and she replied no. Stephanie O'Halloran also stated she does not remember Matt McLeod dating Marcie Pfeifer.

5. I spoke with Jenner Klemme (Beauchman) on the telephone. I identified myself to her and asked her if she was willing to speak with me and she replied yes. I explained to Jenner Klemme I was investigating a case involving Marcie Pfeifer. Jenner Klemme stated Marcie Pfeifer had reached out to her about the disclosure.

6. I asked Jenner Klemme what she knew and she replied she told Marcie Pfeifer she does not remember much, and does not remember details. Jenner Klemme stated she has known Marcie Pfeifer since grade school. Jenner Klemme explained Todd Pederson worked at the bowling alley, and Marcie Pfeifer had a crush on him. Jenner Klemme stated Marcie Pfeifer would flirt with Todd Pederson, and he seemed receptive to the flirting. She commented she thought Todd Pederson also flirted with Marcie Pfeifer. I asked Jenner Klemme if she knew if anything inappropriate happened, and she stated she could not remember.

7. On November 1, 2020 at approximately 15:09 hours I made contact with Shane Burgard on the telephone. I identified myself to him and stated I would like to ask him some questions regarding Marcie Pfeifer. I explained to Shane Burgard he did not have to talk to me and could end the conversation at anytime. Shane Burgard stated he would speak with me.

8. I informed Shane Burgard I knew someone had called him accusing him of certain things, and I asked him to explain the phone call. Shane Burgard stated some woman called him and accused him of some inappropriate touching. Shane Burgard stated it never happened, and she claimed it was approximately 20 years ago. Shane Burgard stated the caller stated she thought they went to school together. I asked if he ever attended school in Valley City. He explained he attended Valley City State University for 2 semesters in 1996.

9. I asked Shane Burgard if he knows who called him, and he replied he thought her name was Mary. Shane Burgard advised me some of his friends told him there is is some crazy lady on Facebook trying to get him in trouble. Shane Burgard stated someone by the name of Robin Stearns told him, but stated she has a different married name now. I asked Shane Burgard if he knows Marcie Pfeifer, and he replied he does not remember if he ever met her. I asked if he ever had a physical relationship with Marcie Pfeifer, and he replied never. I explained to Shane Burgard, Marcie Pfeifer is stating he gave her a sexually transmitted infection. Shane Burgard stated he did receive a sexually transmitted infection, but it was from now his ex-wife in the early 2000's. I asked if it was possible he met Marcie Pfeifer as an alcohol awareness class, and he replied he has never been in an alcohol awareness class.

10. The interview ended, and this case is till under investigation.

Lt. Dana Rustebakke
Valley City Police Department

1535 - Rustebakke, Dana S

VALLEY CITY POLICE DEPARTMENT

DATE: August 5, 2021
CASE #: VC-20-00366
OFFICER: Lt. Dana Rustebakke
SUSPECT: Todd Pederson
Matt McLeod
Shane Burgard
VICTIM: Marcie Pfeifer
INCIDENT: Sexual assault

NARRATIVE

1. On August 5, 2021 I Lt. Dana Rustebakke received a phone call from a male who identified himself as Todd Pederson. I had called Todd Pederson prior and left a voicemail asking him to contact me. I identified myself to Todd Pederson and explained to him I was conducting an investigation where his name was mentioned. I asked him if I could ask him some questions and he said yes. I explained to Todd Pederson he did not have to speak to me and could end the interview at anytime by hanging up the phone.

2. I explained to Todd Pederson I was investigating a case in regards to Marcie Pfeifer. I asked if he knew her, and he replied he knew her when he lived in Valley City, ND. I asked when was the last time he had contact with her, and he stated he does not remember exactly when, but estimated it was approximately 30 years ago. Todd Pederson commented he thought the last time he heard from her was approximately between 1989 to 1991. I asked Todd Pederson how he knows Marcie Pfeifer, he explained he worked at the bowling alley in Valley City, and Marcie Pfeifer was in a bowling league. I asked him to describe their relationship, he stated they were not really friends, but more of an acquaintance. I asked if he ever met up with her or go on a date, and he stated they never met up or go anywhere with each other. I asked when was the last time he talked to her, and he thought it was approximately 30 years ago.

3. I asked Todd Pederson to describe Marcie Pfeifer, and he stated she was outgoing and flirtacious. I asked if he flirted back, and he replied he probable did. I asked if they ever went on a date, and Todd Pederson stated they never went on a date, and he did not want to date her. I asked Todd Pederson if there was ever a bowling trip, and he stated he did take a girls team on a bowling trip. Todd Pederson explained he was not sure what city they went to but believes it was Crookston, MN. I explained to Todd Pederson it was disclosed to me that he purchased alcoholic beverages for the girls and spent alone time with Marcie Pfeifer. Todd Pederson stated this did not happen. I asked if he ever purchased alcoholic beverages for Marcie Pfeiffer, and he explained there was one incident where she approached him and asked him to purchase alcoholic beverages for her and her boyfriend. I asked if he purchased an alcoholic beverages for them, and he replied, "I think I did."

4. I asked Todd Pederson if he ever had any sexual contact with Marcie Pfeifer, and he replied he kissed her once. I asked if there was any sexual contact, and he replied no. I asked if they ever had sexual intercourse, and he replied no. I told Todd Pederson I received a report from Marcie Pfeifer in which she disclosed he sexually assaulted her, and groomed her. I asked Todd Pederson how he felt hearing this, and he replied he is shocked as he would never do that. Todd Pederson commented he has not heard her name in a long time. I asked if any of his friends were around when he was by Marcie Pfeifer, and he replied no. I asked if he remembers who was on the girls bowling team and he recalled two names. He could only remember Erin, and Laura. Todd Pederson thought Laura's last name may have been Stringer.

5. I asked Todd Pederson about the bowling trip and where did they go. He explained they went to Crookston, MN,

bowled there, and the next day were in Grand Forks to bowl. I asked if he remembers when the bowling trip was, and he explained it was late winter into early spring but was not sure. He commented it was possibly on a weekend too. I asked if he remembers what hotel they stayed at and he could not remember. I asked what the sleeping arrangements were, and he stated the girls shared a room, and he had a room to himself. I asked if any of the girls came into his room, and he stated it was possible. I asked if he was ever in the room alone with Marcie Pfeifer, and Todd Pederson stated he might have but cannot be certain.

6. I asked Todd Pederson if anything sexual ever happened between him and Marcie Pfeifer, and he stated he might have kissed her. I asked Todd Pederson if the kiss was mutual, and he stated he does not remember her pulling away. I asked if it was a quick kiss or a passionate kiss, and Todd Pederson described it as in between. Todd Pederson commented he probably knew he should not being kissing her.

7. I asked Todd Pederson why Marcie Pfeifer would be making allegations against him, and he replied he did not know. Todd Pederson explained he moved away from Valley City, ND in 1996, and got married. I asked where did he live before moving away, and he replied he was living with his parents. Todd Pederson stated at one point he lived in an apartment near the Valley City State University Football field, and then an apartment near Pioneer Park in Valley City. I asked where his parents house was located, and Todd Pederson stated they still live in the same house located at [redacted]. I asked Todd Pederson where Marcie Pfeifer lived, and he stated he was not sure but thought she may have lived near Mercy Hospital. I asked Todd Pederson to describe his parents house. He stated the attic is unfinished, on the main floor is 2 bedrooms, and the basement is finished with a bedroom. I asked where his bedroom was located, and he stated it was in the basement. I asked if Marcie Pfeifer ever came to his residence, and he stated he did not think so an does not remember her coming over to his place.

Redacted pursuant to N.D.C.C § 40-04-18.7(6)

8. I explained to Todd Pederson that Marcie Pfeifer disclosed she had been at his house. I asked why she would have been at his place, and he stated he did not know why she would have been at his house. Todd Pederson commented he thought Marcie Pfeifer kind of liked him. I asked Todd Pederson if he asked Marcie Pfeifer to come to his house, and he replied he did not think so. I asked Todd Pederson again if anything sexual happened between the two of them. Todd Pederson described himself as promiscuous with females back then. Todd Pederson stated he did kiss Marcie Pfeifer, but cannot remember if anything else happened. I asked if he remembers who he had sex with when he was younger, and he replied he could not remember. This interview concluded at approximately 11:26 hours. I asked Todd Pederson if he remembers anything else, to give me a call or stop by the Valley City Police Department.

9. At approximately 11:42 hours, Todd Pederson called me at the Valley City Police Department. Todd Pederson stated he remembers more about Marcie Pfeifer. I did not conduct an interview at this time as the phone connection was poor and I was unable to hear Todd Pederson at times. I told Todd Pederson I would call him back at a later time.

10. At approximately 12:48 hours I called Todd Pederson. I explained to Todd Pederson during the last phone call I thought he stated he could remember some more information. Todd Pederson stated he does remember more, and stated he thinks there was sexual contact between him and Marcie Pfeifer. He explained when they were at the hotel in Crookston, MN, they were in his room alone. Todd Pederson explained they kissed some and he fondled Marcie Pfeifer's breasts. I asked Todd Pederson if they were in a dating relationship, and he stated they did not date. Todd Pederson commented he never considered them as a dating relationship. Todd Pederson explained most of the flirting between them happened at the bowling alley. Todd Pederson stated he never asked Marcie Pfeifer on a date. I asked Todd Pederson if he ever used force or threats towards Marcie Pfeifer, and he replied no. I asked if Marcie Pfeifer ever threatened him or used for on him, and he replied no.

11. I asked Todd Pederson approximately how long he communicated with Marcie Pfeifer. He explained he thought they would flirt with each other for approximately 3-5 months in length. I asked if he remembers what year it was, and he thought it was 1990 or 1991. I asked Todd Pederson how the relationship ended, and he stated they stopped being acquaintances, and went separate ways. Todd Pederson disclosed while he lived in Valley City, Marcie Pfeifer did come to his parents house. I asked what happened, and he replied they became intimate. I asked if they had sexual intercourse, and he replied yes. I asked if it was consensual, and he replied yes. Todd Pederson explained they had sexual intercourse for a short period of time until Marcie Pfeifer told him to stop. Todd Pederson stated at that time he did stop.

12. I asked Todd Pederson what happened before they had sex, and he stated they were talking. I asked how the sexual intercourse started, and he stated he could not remember. I asked Todd Pederson if he took his clothing off, or Marcie Pfeifer did. Todd Pederson explained he could not remember how either of their clothing came off. Todd Pederson stated after they had sex, Marcie Pfeifer seemed upset, but he did not know why. He stated he tried asking her what was wrong but did not get an answer. I asked if he told any of his friends about the incident with Marcie Pfeifer, and he replied no. I asked Todd Pederson if he knew Marcie Pfeifer prior to them flirting with each other at the bowling alley, and he replied no.

13. Todd Pederson commented to me about our first phone call on this day. Todd Pederson stated when I mentioned he was being accused of grooming, he stated he did not know what that was. Between phone calls, Todd Pederson explained he searched the definition of grooming, and stated that is not what their relationship was. Todd Pederson commented he probably should not have had a relationship with Marcie Pfeifer. I asked why, and he explained he was approximately 21 years of age at the time and she was most likely under 18 years of age due to being in high school. I explained to Todd Pederson I would update my report, and if he has any questions or remembers anything else to contact me. This case remains open at this time.

Lt. Dana Rustebakke
Valley City Police Department

	1535 - Rustebakke, Dana S

VALLEY CITY POLICE DEPARTMENT

DATE: August 13, 2021
CASE #: VC-20-00366
OFFICER: Lt. Dana Rustebakke
SUSPECT: Todd Pederson
Matt McLeod
Shane Burgard
VICTIM: Marcie Pfeifer
INCIDENT: Sexual assault

NARRATIVE

1. On August 13, 2021 I Lt. Dana Rustebakke received a phone call from Matt McLeod. I explained to Matt McLeod that Marcie Pfeifer reported an incident between him and her from when they were teenagers. I asked Matt McLeod how he knows Marcie Pfeifer, and he explained he met her when they were in high school. I asked how he would define their relationship, and he stated they dated for a summer. Matt McLeod stated he would not call it a boyfriend/girlfriend relationship. Matt McLeod explained they went out a few times, and were usually on a double date with Phil Hatcher and his girlfriend.

2. I explained Marcie Pfeifer disclosed an incident where he performed digital penetration on her at her residence. Matt McLeod stated the incident did not happen, and they never had a sexual relationship. I asked why Marcie Pfeifer was accuse him of this, and he replied he did not know. I asked Matt McLeod if he is aware of the other people who are alleged to have sexually assaulted her and he replied no. I asked if he knows Todd Pederson, and he replied no. I asked Matt McLeod if he disclosed to Stephanie Berg that he performed digital penetration on Marcie Pfeifer, and he stated this did not happen. Matt McLeod commented he dated Stephanie Berg, and feels she would not have dated him if he had done what Marcie Pfeifer claims. I provided Matt McLeod with my contact information, and told him if he has any questions for me to contact me.

3. This report will be sent to the State's Attorney's Officer for review.

Lt. Dana Rustebakke Valley City Police Department	
8/31/2021 9:21:15 AM	867 - Suhr, Andrea L.
Prosecution declined	

Evidence Checklist

Additional Evidence Items?

Video Recording
In-Car Video
Surveillance

Interview Room
Other Recording
What other recordings are there?

Audio Recording
911 Call
Other Audio

Other Dispatch Call

Photographs
Uploaded to P1

Entered into Evidence

Written Statement
Victim
Witness

Suspect

Medical Forms

Emergency Detention Worksheet
Use of Force Report

Domestic Violence Investigation
Waiver of Rights
Photo Log
Search Warrant / Return

Affidavit
Evidence Inventory
Consent to Search

Affidavit of Forgery Form
Copy of Checks

960 Form
Elderly Abuse Form
Pursuit Form

Handle With Care Email
Lethality Form

Other
Describe

Marcie Pfeifer

18 hrs ·

A captain called me today from Minot police. He is coming here (a 4-5 hour drive) to take my statement. He said he didn't think this should be over the phone when it's something of this caliber.

Y'all. I'm doing it. This is one of the most terrifying things ever but I'm not backing down.

He is coming Wednesday at 2pm. I don't know that I'm strong enough to make the statement but I'm going to try. ... See More

Kari Tangen Chitty and 63 others 21 Comments

Marcie Pfeifer

Yesterday at 8:03 AM ·

I know I've asked this before but let me try again. Does anyone have contact information for Todd Pederson? He lived in valley, sexually groomed me, and worked at Sky Lanes. If I reported Matt, I may as well do what I can with him. I've tried finding him over the years and haven't been successful. I know he worked at a bowling alley in fargo because I ran into him once. I guarantee he's ruined many girls' lives, as he did mine, and I'm tired of not being a huge thorn in their side. Can anyone help me locate him? He was maybe 21 when I was 16 back in 1993 or so.

5

Marcie Pfeifer
26 mins ·

Change of plans. I'm going to valley city today to give my statement about Todd. I can't wait for both until next week. I'm too much of a wreck. And now I sit with the knowledge that I'm going to have to relive every detail of his grooming me and knowing I don't remember a ton. Having to tell a man, in explicit detail, what he did to me and my body is beyond terrifying but I'm going to do it. It's time. I'll be alone as I don't know who to ask to come with me but I'll be okay I think.

4 2 Comments

Like Comment

Amy Dudeman I would go with you if we lived closer.
Like · Reply · 16m

Cynthia Barber Be proud of your bravery. I'm rooting for you. Sending good vibes. 😤❤️
Like · Reply · 7m

Write a comment...

Marcie Pfeifer
11 hrs ·

I'm a goddamn shit show. I never thought this rapist stuff would kick my ass but it has. I can't stop crying. I'm a fucking wreck. Fuck. Mad props to survivors. I just didn't expect this.

17 7 Comments

Marcie Pfeifer
12 hrs ·

I know I shouldn't be surprised but addressing two rapists has me a wreck. I've been sobbing on and off all day. This is almost too much for me.

20 11 Comments

Marcie Pfeifer

June 30 at 11:00 PM ·

Also. I just want you to know that if you come forward and say someone raped you and want your friends to delete them as a friend, I will delete delete delete their ass. I've lost quite a few "friends" by asking them to delete the piece of shit now lieutenant rapist and I won't do that to you. It felt horrible when my friends were like um let me talk to him first, I'm sure there was a misunderstanding or it's just Facebook, I won't delete him. Just thinking about it makes my stomach turn. Yes. Matt McLeod raped me. He's now a lieutenant in the Minot police force. He and I were dating when I was 15. He kept trying to go down my pants (at my parents' house, downstairs) and after about 20 times of saying no, I let him. It did not feel good. It hurt. He continued. That's my introduction to sex. Being forcibly fingered by someone I thought cared about me.

You think I'm crazy for posting this super uncomfortable shit? I'm every woman. We all have a story to tell. This is just one of them.

26

6 Comments

A captain called me today from Minot police. He is coming here (a 4-5 hour drive) to take my statement. He said he didn't think this should be over the phone when it's something of this caliber.
Y'all. I'm doing it. This is one of the most terrifying things ever but I'm not backing down.
He is coming Wednesday at 2pm. I don't know that I'm strong enough to make the statement but I'm going to try.
Here's the rough draft. Matt and I had gone out (maybe a movie?) and he came over. We made out (living room at my parents" house). He kept trying to go down my pants (I think we were on our church bench by the front door) and I kept moving his hand away cause I didn't want it. He persisted. I kept moving his hand (I don't think I actually said the word no, I just kept moving his hand). I finally let him. It hurt.
My two friends and I picked him up the next day and he admitted he raped me. My "friends" however have no memory of this but we drove around and made him apologize, admit he raped me, and promised never to do it again.
He's now a lieutenant and that horrifies me. How many domestic or sexual assault cases has he responded to where he's like, meh, it's not that bad.
I've never felt brave enough before to report him but I am now. I'm finally able to say burn the place down cause he raped me and has faced zero repercussions because of it. He hurt me and affected my upbringing. I was a teenage girl when he did it.
So. Here's me taking back my life. Here's to me saying fuck you to the rapists and abusers. Here's to me not being silent anymore.

Marcie Pfeifer Here's the thing. We are silenced. We are hushed. We are told not to be dramatic. I'm done being nice. I'm done. Matt raped me. Guess what? I'm coming after Todd Pedersen and Shane Beauregard next. I'm done caring if you think I'm stirring the pot. My insides were stirred with with a penis or fingers...isn't that enough? Nah. Fuck the rapists. We have been way too quiet. We are coming for you.

1 day ago

Help Marcie heal.

$1,545 raised of $10,000 goal

21 donors 92 shares 21 followers

Share

Donate now

Anonymous
$25 • 20 mos

John Fitzgerald
$200 • 20 mos

Anonymous
$10 • 20 mos

Lynette Schock
$100 • 20 mos

Kathy Cook
$50 • 20 mos

See all

Marcie Pfeifer is organizing this fundraiser.

Created October 18, 2018 | Medical, Illness & Healing

Okay. I feel like a buttface doing this but I am going to start intensive outpatient treatment for PTSD and alcohol abuse disorder on Monday. The treatment to address 35+ year old trauma is going to cost me $8000. At least. I have insurance but the deductible and out of pocket is almost $9000 and then I'm still responsible for more. I've treated my ptsd with alcohol for decades. I've tried to do one or the other, treatment wise, and it doesn't work (shocking). I'm going to do this regardless because I don't want to die (the suicidal thoughts have been fucked since the whole kavanaugh bullshit started; probably a fourth of my trauma is sexual abuse, going back to when I was FIVE. I had repressed a lot of it and seeing how people responded made them come flooding back.) I want to live. And I need your help. This is mortifying to put out there but it is what it is. Thank you in advance.

Back story. In addition to the horrible sexual abuse, my first real boyfriend died when I was 17. My Mom died when I was 18. More sexual abuse. I broke my neck in a car wreck when I was 19. My dad is amazing now but he kicked me out after my surgery because he met a woman who hated me. I moved out of town and there was a horrible flood; I lost half my belongings to looters. I met a guy who was "great," and he ended up being an abusive monster. I'm not even 21 at this

Updates (2)

OCTOBER 21, 2018 by Marcie Pfeifer, Organizer

Okay. Tomorrow is the day. First, thank you everyone who has donated. My heart sometimes can't process the love and gener osity, especially since I feel like such a damn failure. I appreciat e everything! Every cent, every kind wish and every share.
I found out it's not intensive outpatient; it's partial hospitalizat

ion so a bit more intense than IOP. Which, honestly, I think is b etter. The more I think about the trauma, the more that keeps getting added. Most people knew I had a bad stalker (one who tried to run me off a highway) but I had one when I was 17 who tried breaking into where I worked and then months later, bro ke into my apartment (I only left for about 15 minutes so he wa s watching me). Nothing police could do. I had another one wh en I was 21. I moved away and changed my number. He found i t and left messages all the time about wanting to slit my throat, that he knew where I lived, and even called on Halloween (my mom's death anniversary) to tell me he was going to dig up my mom and fist her wormy ass, and then bury my dead, raped bo dy next to her. Police could do nothing. He also stole my car, w hich unthefuckfortunately, had my mom's wedding dress in the trunk. I never got it back. This is some of the stuff I have been s tuffing down with beer. How does one process shit like that? R epeated shit?

Anyway, that's just another moment in the traumatic life of Ma rcie, for which I am truly trying to escape. So. Thank you. From the bottom of my still beating heart! Please feel free to contin ue sharing and if you can, donating! Well. Don't donate twice. That would be silly; you know what I mean!

- **OCTOBER 19, 2018** by Marcie Pfeifer, Organizer

I'm going to find a responsible adult to link their bank account the th e funds. If a worst case scenario happens, and I don't get sober, I do n't want to use any money towards beer because if I did that, I would 100% die by suicide out of shame. I can only image the hesitancy so me of you may have, wondering if I will use it for beer. And the answ er is a hard no. I will make it so I can't because, like I said, I want so ve ry much to live. I just can't take the flashbacks and nightmares and c onstantly being on edge, the anxiety and depression that comes fro m ptsd and that's the only thing (drinking) that has, in its own way, h elped. I hope treatment will help me conquer (fuck even manage) bot h.

Donate **Share**

Organizer

Marcie Pfeifer
Organizer
Fargo, ND

Contact

Comments

John Fitzgerald donated **$200**
You got this Marcie.

20 mos

Julie Meister commented

Sending you warm, healing thoughts . . . Bud and I both are . . . h ugs!

20 mos

Dawn Roach commented

I wish you peace and the tools so you can forgive yourself.

20 mos

Kathy Cook donated **$50**

I donated because you should concentrate on getting better a nd healing not worrying about a medical bill

20 mos

Tanya Bradley donated **$25**

Sending you all the positive energy I can Marcie! ♥

20 mos

Tanya Fleming donated **$100**

Taking the initiative to make healing a priority like this is so go ddamned hard, but it's the most revolutionary thing we can do. I'm proud to call you friend. I wish it could be so much more.

20 mos

Pamela Jessen donated **$25**

I donated because I believe in you Marcie and I know you can g et through this!

20 mos

Karen Robinson donated **$500**

Everyone who wants to heal should be supported in doing so. Plus, Marcie's pretty cool

20 mos

Theresa Biele donated **$50**

Praying for you, Marcie

20 mos

Margo Jones donated **$10**

Hugs ❤️❤️❤️

20 mos

Report fundraiser

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- About

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Andrea Suhr

From: Tonya Duffy
Sent: Friday, August 27, 2021 2:04 PM
To: Andrea Suhr
Cc: Tanya Zachrison; LaDonna Anderson
Subject: Decline

Decline prosecution on Shane Burgard, case report VC-21-00366, due to Ms. Pfifer's request to not have a prosecution on him.

Tanya/LaDonna, please close this out of my jw.

Tonya Duffy

Barnes County State's Attorney
230 Fourth Street Northwest, Room 301
Valley City, ND 58072
Phone: 701-845-8526
Fax: 701-845-8543
E-Service: states_attorney@barnescounty.us

Andrea Suhr

From: Tonya Duffy
Sent: Thursday, November 11, 2021 9:44 AM
To: Andrea Suhr
Cc: LaDonna Anderson; Dana Rustebakke
Subject: Decline

Decline prosecution on Todd Pederson, case report VC-20-00366, due to insufficient evidence for a prosecution.

LaDonna – please close this out of my jw.

Tonya Duffy

Barnes County State's Attorney
230 Fourth Street Northwest, Room 301
Valley City, ND 58072
Phone: 701-845-8526
Fax: 701-845-8543
E-Service: states_attorney@barnescounty.us

Andrea Suhr

From: Tonya Duffy
Sent: Thursday, November 11, 2021 9:45 AM
To: Andrea Suhr
Cc: LaDonna Anderson; Dana Rustebakke
Subject: Decline

Decline prosecution on Matt McCleod, case report VC-20-00366, due to insufficient evidence for a prosecution.

LaDonna – please close this out of my jw.

Tonya Duffy

Barnes County State's Attorney
230 Fourth Street Northwest, Room 301
Valley City, ND 58072
Phone: 701-845-8526
Fax: 701-845-8543
E-Service: states_attorney@barnescounty.us

City of Minot

Police Department

July 3, 2024

To: Lt. Matthew McLeod

Re: Internal Investigation # 24-2

On about January 26, 2024, Lt. Matt McLeod informed Chief Klug that he was notified of a criminal complaint filed against him in Idaho and Montana. I was later contacted by S/A Pat Lenertz from ND BCI, who informed me that they were asked to assist with interviewing Matt McLeod for two other jurisdictions.

After considering the allegations, I decided to place Lt. McLeod on administrative leave pending the outcome of the investigation. I met with Lt. McLeod on January 29th, 2024 in my office and explained my position on this investigation and placed him on paid administrative leave.

On April 23, 2024, I was contacted by Detective Sergeant Anthony Jurenic from the Butte/Silverbow Police Department in Montana. Sgt. Jurenic informed me he had been in contact with the prosecutor and they were denying prosecution.

On June 26, 2024, I was contacted by Detective Shannon Garza from the Ada County Sheriff's Department in Idaho. Detective Garza informed me that their prosecutor's office also denied prosecution.

On June 27, 2024, I received the full investigative report from Ada County Sheriff's Department, which included a confidentiality clause, prohibiting the release of the records they provided. I reviewed all files and requested additional records from ND BCI. I received the files from ND BCI on July 2, 2024, and reviewed all files.

Based on the information provided, I did not have any follow-up questions for Lt. Matt McLeod pertaining to the accusations. I agree with prosecutors from both jurisdictions that there is insufficient evidence to prove this alleged offense happened. I currently find there are no policy violations or any other reason to take any employment action against Matt. I hereby reinstate Lt. Matt McLeod to full duty status effective July 4, 2024.

John Klug
Chief of Police

City of Minot

Employee's Name: Matt McLeod

Title: Lieutenant

Department: Police Department

Review Period: January- December 2020

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
1. Skill and proficiency in carrying out assignments		4-Highly Effe				
Brief explanation: Matt is very diligent in completing assignments that are given to him. He keeps himself on a strict deadline and adheres to it.						
2. Possesses skills and knowledge to perform the job competently			3-Proficient			
Brief explanation: Matt is fairly new in his current position but has picked up on many things quickly. He will continue to improve with time and experience.						
3. Skill at planning, organizing and prioritizing workload		4-Highly Effe				
Brief explanation: Matt is very detail oriented and organized. He does a very good job of organizing his work and prioritizing it effectively.						
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner		4-Highly Effe				
Brief explanation: Matt is very accountable and has brought things to my attention that he was responsible for that I never would have known otherwise. He is very good about completing tasks in a quick and efficient manner.						
5. Proficiency at improving work methods and procedures as a means toward greater efficiency		4-Highly Effe				
Brief explanation: Matt is always improving and making his work flow more effcient. He strives to format his work for added clarity, efficiency, and content.						
6. Communicates effectively with supervisor, peers, and customers			3-Proficient			
Brief explanation: Matt does a good job of communicating work related issues, upcoming events, and other job related things. Matt sometimes speaks in a way, in training, that is not to the level or expectation of his position.						
7. Ability to work independently		4-Highly Effe				
Brief explanation: Matt rarely requires input or assistance with any task he is given. He is very intelligent and is able to sort out almost any problem without issue.						

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 4- Highly Effe

Brief explanation: Matt works very well within a team. He is the commander of the MPD SWAT Team and also has the Negotiations Team under his lead. He does a very good job in organizing and commanding these teams. In addition, Matt works well within the Adminstrative Division Team and helps to organize and complete any work required.

9. Willingness to take on additional responsibilities — 4- Highly Effe

Brief explanation: Matt is always willing to take on any task that is given to him.

10. Reliability (attendance, punctuality, meeting deadlines) — 4- Highly Effe

Brief explanation: Matt is always on time and is rarely sick. He usually meets deadlines

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 3- Proficient

Brief explanation: Matt usually makes good fact-based decisions in his job.

12. Operation, Maintenance and Care of Department Equipment — 4- Highly Effe

Brief explanation: Matt takes exceptionally good care of any equipment that is issued to him or placed in his care.

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 4- Highly Effe

Brief explanation: During the COVID pandemic Matt was always been diligent about wearing his PPE and making sure others wear theirs.

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
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N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. — 4-Highly Effe

Brief explanation: Matt is always fair but firm with subordinates. He does a good job of building a team mentality.

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. — 4-Highly Effe

Brief explanation: Matt does a good job of keeping his subordinates appraised of expectations. He provides immediate feedback, both good and bad.

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. — 3-Proficient

Brief explanation:

17. Delegates responsibility where appropriate, based on the employee's ability and potential. — 3-Proficient

Brief explanation: Matt is still learning his assignment and when it is appropriate to delegate. He does a good job and will continue to learn and improve.

18. Takes timely and appropriate corrective/disciplinary action with employees. — 3-Proficient

Brief explanation: Matt has a good sense when dealing with employee issues. At times he see's in "Black and White".

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. — 3-Proficient

Brief explanation: Matt does a good job of being inclusive to all in the department.

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Matt is highly organized and strives to learn all aspects of his job. He is very detail oriented.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Matt is fairly new in his current position and is still learning protocol and procedures related. He will continue to improve with time and experience. As a leader, supervisor, and trainer, Matt should be careful about the words he uses while speaking to people.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Matt has attended a supervisory school, but would benefit from additional leadership schools. In addition, as the Professional Standards Lieutenant Matt would benefit from schools related to that as well as Background Investigations.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Continue to learn your job. Contact other Professional Standards officers and continually improve the methods we are currently using.

5. List the employee's development goals for the coming year:

Research and try to attend schools related to Professional Standards, Background Investigations, and Leadership.

This annual performance review will become part of your City of Minot personnel file.
Please sign below to acknowledge that you have received this document.

Employee Signature:	Date:
	12/3/20
Supervisor Signature:	Date:
Jason Sundheim	12.3.20

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

- [x] Approve Next Step Increase
- [ ] Deny Step Increase
- [ ] Hold Next Step Increase

	12/3/2020
Department Head Approval	Date:

Human Resource Director Review

Comments:

Lisa Jundt	
Human Resource Director Approval:	Date:

City of Minot

Employee's Name: Matt McLeod

Title: Lieutenant

Department: Police

Review Period: January- December 2019

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

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	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
1. Skill and proficiency in carrying out assignments		4-Highly Effecti				
Brief explanation: Lt. McLeod has the knowledge needed to complete the various assignments he is assigned. This is a direct benefit of having been assigned to various areas of the department such as patrol, records, and investigations.						
2. Possesses skills and knowledge to perform the job competently			3-Proficient			
Brief explanation: Promoted to lieutenant and assigned to patrol in March 2019. The new assignment as shift commander for afternoon shift required Lt. McLeod to learn another new skill set to manage the day to day duties.						
3. Skill at planning, organizing and prioritizing workload		4-Highly Effecti				
Brief explanation: Lt. McLeod is organized and plans his tasks accordingly. He handles tasks in order of priority and doesn't get hung up on a small task if something more important presents itself.						
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner		4-Highly Effecti				
Brief explanation: Lt. McLeod meet deadlines and if there are any delays he takes responsibility and works hard to complete the task at hand.						
5. Proficiency at improving work methods and procedures as a means toward greater efficiency			3-Proficient			
Brief explanation: At this point Lt. McLeod is still learning the personnel side of being a lieutenant on patrol. He has been away from patrol for several years so it will take some time to get caught up on the various changes that have taken place since he left.						
6. Communicates effectively with supervisor, peers, and customers			3-Proficient			
Brief explanation: Lt. McLeod does a good job of communicating at all levels within the department. Some of the areas that he has struggled in the past seem to be improving and the communication is direct, but appropriate.						
7. Ability to work independently		4-Highly Effecti				
Brief explanation: Lt. McLeod s able to complete his work independently and also works well as part of a team.						

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 4- Highly Effect

Brief explanation: Lt. McLeod follows direction and participates in conversations about various work methods. As a new lieutenant he ensured understanding of conversations and processes before speaking about them. He plays an important part in the supervision team for patrol.

9. Willingness to take on additional responsibilities — 4- Highly Effect

Brief explanation: SWAT Commander
Taser Instructor
EVOC Instructor

10. Reliability (attendance, punctuality, meeting deadlines) — 4- Highly Effect

Brief explanation: Lt. McLeod is at work well before his shift starts to ensure everything is in order before briefing. He plans his time off and notifies his commander of any changes to his schedule. When given a deadline he tries to get the task accomplished well before the time it is due.

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 4- Highly Effect

Brief explanation: Lt. McLeod is the commander for SWAT and is responsible for many important decisions in that position. Much of that experience carries over to his position on patrol where decisions must be made in the moment. I rarely get a call from Lt. McLeod asking what he should do and there are very few problems with the way calls and issues are handled.

12. Operation, Maintenance and Care of Department Equipment — 5- Exceptional

Brief explanation: Lt. McLeod ensures equipment in his area of responsibility is in working order.

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 4- Highly Effect

Brief explanation: Lt. McLeod has good safety practices and uses the proper protective equipment when needed. He also ensures his officers do the same.

City of Minot

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5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. — 4-Highly Effecti

Brief explanation: Lt. McLeod treats all of his employees with fairness. I have no doubt that regardless of the employee he is dealing with they would be given the same opportunities or, in a disciplinary situation, given the same punishment as any other employee.

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. — 4-Highly Effecti

Brief explanation: Lt. McLeod has been exposed to some personnel issues on Afternoon Shift where guidance from leadership was required. Not only is Lt. McLeod effective in this area, but he also ensures his sergeants practice this, lay out expectations and provide feedback when needed.

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. — 3-Proficient

Brief explanation: Lt. McLeod needs to develop a way to identify his officer's strengths and weaknesses and provide guidance to them on how to improve in those areas. He does well with day to day development, but he is now in a position where he needs to focus more on their long-term development.

17. Delegates responsibility where appropriate, based on the employee's ability and potential. — 3-Proficient

Brief explanation: Lt. McLeod has continued the practice of having officers assigned to his sergeants to help with day to day supervision. He seems to have a pretty good handle on delegation, but it seems that he does a lot of work himself that could be put on others, especially when it comes to SWAT.

18. Takes timely and appropriate corrective/disciplinary action with employees. — 4-Highly Effecti

Brief explanation: Lt. McLeod is willing to take corrective action when necessary. He seeks guidance from his commander to ensure the level of discipline is appropriate or if it should be handled differently, but has a plan of action thought out before this conversation.

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. — 3-Proficient

Brief explanation: Lt. McLeod has stepped up to confront officers or supervisors who, through their actions or words, threaten the morale of his shift or the department.

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Lt. McLeod has a good understanding of many areas in the department due to his assignments in records and investigations. He has good critical thinking skills which he is forced to use during most SWAT call-outs. He continued the concept put in place on afternoon shift where sergeants are assigned a portion of the officers and they assist with developing those officers along with the lieutenant.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Lt. McLeod needs to continue to develop the future leaders of SWAT so there is someone who can effectively step up in his absence and make the difficult decisions. Don't forget to keep open lines of communication with the day and night shift commanders to try to resolve scheduling/manpower issues you face on afternoon shift. Lt. McLeod needs to find a way to pull his shift together as a team and get them focused on holding each other accountable for accomplishing the mission through teamwork.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Lt. McLeod needs a little more time to develop as a lieutenant and gain understanding of how to handle the various personnel issues. I have no problems with his judgment or decision-making, but I think he has some room to grow on the administrative side of his current assignment.
Seek command level training that deals with handling personnel issues and communication.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Continue to build the leadership team on Afternoon Shift and prepare your sergeants and officers for advancement through promotional opportunities. Make sure your sergeants are included in daily tasks so they can learn the processes with leading projects and change. Develop a plan or procedure on Afternoon shift for conducting periodic inspections of vehicles to ensure they are clean and equipment is in working condition.
Develop 2-3 goals for Afternoon Shift and promote these goals to give your officers a common purpose to work toward throughout 2020.

5. List the employee's development goals for the coming year:

Seek command level training.

This annual performance review will become part of your City of Minot personnel file.
Please sign below to acknowledge that you have received this document.

Employee Signature: _____ Date: 12/5/19

Supervisor Signature _____ Date: 12/5/19

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

☒ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Chief [illegible]	12-9-19
Department Head Approval	Date:

Human Resource Director Review

Comments:

Lisa Jundt	
Human Resource Director Approval:	Date:

City of Minot

Employee's Name: Matt McLeod

Title: Sergeant / Detective

Department: Police

Review Period: January- December 2018

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	6_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
1. Skill and proficiency in carrying out assignments *Brief explanation:*						5- Exceptional
2. Possesses skills and knowledge to perform the job competently *Brief explanation:*						5-Exceptional
3. Skill at planning, organizing and prioritizing workload *Brief explanation:*						4-Highly Effecti
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner *Brief explanation:*						4-Highly Effecti
5. Proficiency at improving work methods and procedures as a means toward greater efficiency *Brief explanation:*						4-Highly Effecti
6. Communicates effectively with supervisor, peers, and customers *Brief explanation:*						4-Highly Effecti
7. Ability to work independently *Brief explanation:*						4-Highly Effecti

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 4- Highly Effect

Brief explanation:

9. Willingness to take on additional responsibilities — 4- Highly Effect

Brief explanation:

10. Reliability (attendance, punctuality, meeting deadlines) — 4- Highly Effect

Brief explanation:

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 4- Highly Effect

Brief explanation:

12. Operation, Maintenance and Care of Department Equipment — 4- Highly Effect

Brief explanation:

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 3-Proficient

Brief explanation:

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. — 4-Highly Effecti

Brief explanation:

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. — 4-Highly Effecti

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. — 3-Proficient

Brief explanation:

17. Delegates responsibility where appropriate, based on the employee's ability and potential. — 4-Highly Effecti

Brief explanation:

18. Takes timely and appropriate corrective/disciplinary action with employees. — 4-Highly Effecti

Brief explanation:

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. — 3-Proficient

Brief explanation:

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Sgt McLeod is an outstanding Detective with tremendous leadership ability. This leadership ability was a strong deciding factor that lead to his selection to the second Sergeant position in the Investigations Division in December 2017. Sgt McLeod is also the SWAT team Commander as well as an instructor in TASER, EVOC, Active Shooter and Use of Force.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Sgt McLeod has upset certain co-workers over the years. While he may have been correct with his assessment of those situations at the time, his message was not always well received by all involved. Sgt McLeod would do well to learn the soft approach to certain situations as apposed to the gruff matter-of-fact stance he tends to take. Be cautious of the words you use. At times Sgt McLeod makes comments that are difficult to decipher if it is made in jest or not and can be construed negatively. Sgt McLeod needs to monitor how he sets the tone in the office. Sgt McLeod needs to voice his concerns and complaints laterally or upward and not to an open audience of subordinates.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Sgt McLeod is ready for the next step in his career to Lieutenant and has a great opportunity to accomplish this in the next year.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Continue with the development of the Detectives he leads and supervises on a daily basis.

5. List the employee's development goals for the coming year:

Continue in a positive direction and promote to Lieutenant.

This annual performance review will become part of your City of Minot personnel file.
Please sign below to acknowledge that you have received this document.

Employee Signature: [signature] Date: 12/4/18

Supervisor Signature [signature] Date: 12/04/18

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

   a.) The City:

   b.) Your Department:

   c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

- [X] Approve Next Step Increase
- [ ] Deny Step Increase
- [ ] Hold Next Step Increase

Chief Joseph	12-21-18
Department Head Approval	Date:

Human Resource Director Review

Comments:

Lisa Jundt	
Human Resource Director Approval:	Date:

MINOT CIVIL SERVICE COMMISSION

CERTIFICATION FOR PROBATIONARY APPOINTMENT

Date March 6, 2019 Date of Exam: February 27th, 2019

The following applicants are hereby certified eligible for provisional appointment to the civil service position of Police Lieutenant .

Shannon Lackey
Darren Dyke
Matt McLeod

Clerk of Commission

---------- **Route to Department** ----------

From the above eligible applicants, I recommend the provisional employee appointment of

Matt McLeod

(Name of Candidate)

to the position of Police Lieutenant **in the** Police Department effective March 24, 2019 at the starting salary of $6,735 / month.

(Range 67 & Step 9 (11).)

Chief

Department Head

---------- **Route to Human Resources** ----------

Approved: _____, Human Resource Department.

---------- **Route to City Manager** ----------

From the above recommendation, I make the probationary employee appointment effective as requested. The probationary period for this position is 12 months, with possible extension not to exceed eighteen (18) months, based upon performance.

City Manager

MATTHEW MCLEOD

Important Disclaimer. The City of Minot revised its Employee Personnel Manual on January 16, 2018. Copies of the revised manual have been provided to your departments and posted on-line for your review. It is required that all current employees sign the attached form to indicate they have been notified of this change.

City of Minot

EMPLOYEE HANDBOOK ACKNOWLEDGMENT FORM

This employee handbook describes in general terms the City of Minot employment policies, procedures and benefits. In all instances the official benefit plan documents, City of Minot Code of Ordinances and Civil Service regulations serve as the governing documents. Your employee handbook is not to be interpreted as a legal document or an employment contract. Employment with the City of Minot is at the sole discretion of the City of Minot and may be terminated pursuant to Section 24-47 of the City of Minot Code of Ordinances. Nothing in this handbook constitutes an express or implied contract or assurance of continued employment.

The undersigned has received and/or reviewed a copy of the handbook revised on January 16, 2018 and understands the contents of the handbook, including the above paragraph.

Employee Signature

Date: 2/26/18

Northern Testing, Inc.

does hereby certify that

Matt McLeod

Has successfully completed the required training for

Reasonable Suspicion Training for Supervisors

As required by 49 CFR, 382.603 & 655.14 (b)(2); Training for Supervisors.

Brenda Borders
Trainer: Brenda Borders

May 16, 2018
Date

Minot Investigation CH1468

City of Minot

Employee's Name: Matt McLeod

Title: Sergeant

Department: Police

Review Period: 2017

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
6_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position						

1. Skill and proficiency in carrying out assignments — 4-Highly Effecti

   Brief explanation: Matt knew the answers to most records related inquiries. He is able to carry out his daily duties with little supervision.

2. Possesses skills and knowledge to perform the job competently — 4-Highly Effecti

   Brief explanation: see #1

3. Skill at planning, organizing and prioritizing workload — 4-Highly Effecti

   Brief explanation: Matt rarely had work that was left undone. Very good at handling tasks quickly as they came to him.

4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner — 4-Highly Effecti

   Brief explanation: Matt showed that he can keep tasks under control and admits when he makes a mistake. I didn't have to go looking for information, he normally arrived with an explanation before the issue would surface.

5. Proficiency at improving work methods and procedures as a means toward greater efficiency — 4-Highly Effecti

   Brief explanation: Matt made several changes to the processes involved with evidence and records when problems arose. He would not seek out change unless there was a problem or a more efficient method was discovered.

6. Communicates effectively with supervisor, peers, and customers — 3-Proficient

   Brief explanation: Matt made improvement in this area from last year and took time to think through his written communications before sending them out. There was less emotion and fewer "shotgun" emails used in dealing with problems.

7. Ability to work independently — 4-Highly Effecti

   Brief explanation:

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
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2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team

Brief explanation: Matt is team oriented and works well with a team to resolve issues.

4- Highly Effect

9. Willingness to take on additional responsibilities

Brief explanation: Matt continues to serve as the SWAT Commander.

3- Proficient

10. Reliability (attendance, punctuality, meeting deadlines)

Brief explanation: On time and usually plans absences from regular duties.

4- Highly Effect

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment

Brief explanation:

3- Proficient

12. Operation, Maintenance and Care of Department Equipment

Brief explanation:

3- Proficient

13. Safety Habits, Use of personal protective equipment, Reports hazards,

Brief explanation:

3-Proficient

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
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N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. — 4-Highly Effecti

Brief explanation: Matt is very fair in handling situations with his subordinates.

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. — 3-Proficient

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. — 3-Proficient

Brief explanation: Make sure you continue to use others to help complete tasks and not take them all on yourself. I saw improvement in this area in 2017, but I think the new position in Investigations will help determine your true ability in this area.

17. Delegates responsibility where appropriate, based on the employee's ability and potential. — 3-Proficient

Brief explanation:

18. Takes timely and appropriate corrective/disciplinary action with employees. — 3-Proficient

Brief explanation: Matt made improvement in this area and less "shotgun" emails were sent out. Continue to seek improvement and suggestions on how to effectively communicate with the various personalities who work for you.

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. — 3-Proficient

Brief explanation: Matt treats everyone fairly and engages most of the employees he has contact with throughout the day.

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Matt is a well trained and highly capable leader. His ability to think under stress compliments his position as SWAT Commander and will serve him well as a supervisor in Investigations.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Matt has made improvements in his written communication by not sending emails immediately to address issues. The problem isn't the lack of communication, but the lack of understanding the whole picture before communicating. There is still improvement needed in this area, but hopefully the new assignment to Investigations will give him a different perspective.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

You need to set goals to help determine your path and future with the department. You are capable of leading effectively, but still need to seek out leadership training that doesn't deal with tactical situations.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Help with the supervision, management, and increase effectiveness of the investigations team.

5. List the employee's development goals for the coming year:

Supervisor / Leadership training courses (preferably not tactical).
Supervisory level courses for investigations.

This annual performance review will become part of your City of Minot personnel file.
Please sign below to acknowledge that you have received this document.

Employee Signature:	Date:
[signature]	1/19/18
Supervisor Signature	**Date:**
[signature]	1/19/18

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

☑ Approve Next Step Increase	
☐ Deny Step Increase	
☐ Hold Next Step Increase	

Chief Jacobson — Department Head Approval

1-22-18 — Date:

Human Resource Director Review

Comments:

[signature] — Human Resource Director Approval:

2-16-18 — Date:

City of Minot

Application for Promotional Examination

Resume of: Matthew T. McLeod

Applying for: Police Sergeant

I. Personal Information

a. Current home address: [redacted]

b. Phone number: [redacted]

c. Years employed by the City: 11

d. Position currently held: Police Detective

II. Education

a. High school graduate: ☑ Yes ☐ No ☐ GED

b. College ☐ 1 yr. ☐ 2 yrs. ☐ 3 yrs. ☑ 4 yrs.

c. Number of college credits earned: 120 (transcript must be attached)

d. Degree or major: Associate of Arts

e. Certified number of training hours: 1587.50

III. Describe specialized training, apprenticeships, and skills you may have.

9 years with department SWAT team, currently serving as team leader and explosive breacher.

Certified instructor in defensive tactics, Taser, Use of Force, EVOC, and general police topics.

I serve as a member of the use of force review board

IV. Honors received:

Nominated for Officer of the Year - 2012, life saving award (2002, Grand Forks PD)

V. Describe employment or other experiences which you feel qualifies you for this position.

Served as Campus Police Supervisor with M.S.U. from 2004 to 2009, responsible for scheduling of officers to work grounds & events and to serve as a point of contact between campus and the police department.

I have served in leadership roles in both my current position on the department SWAT team and also while serving as SORT team leader while employed at the state penitentiary.

VI. State any additional information you feel may be helpful to us in considering your application.

Since 2006 I have taken an active role in the development of policies and procedures in the department through the writing of the initial Taser policy as well as the explosive breaching policy for the department. In 2006 I created the Use of Force report currently used as well as pushed for its implementation in conjunction with the forming of the use of force review board. I am frequently asked to review pursuits, emergency responses, and incident of force situations by the admin.

Applicant's Statement

I certify that answers given herein are true and complete to the best of my knowledge.

2/18/14

Signature of Applicant *Date*

Matthew T. McLeod

[redacted]

Minot, ND 58703

Career Objective: Police Sergeant

Education:

Minot State University
Minot, ND
Fall 1995 through Spring 1997

Bismarck State College
Bismarck, ND
Fall 1993 through Winter 1995
Associate of Arts (Criminal Justice)

Valley City High School
Valley City, ND
Graduated May 1993

Work Experience:

Minot Police Department
Minot, ND
Detective / SWAT Team Leader
June 2002 through Present

Minot State University
Minot, ND
Campus Police/ Police Supervisor
May 2004 through August 2009

Grand Forks Police Department
Grand Forks, ND
Patrolman
December 1999 through May 2002

North Dakota State Penitentiary
Bismarck, ND
Correctional Officer / SORT Team Leader
May 1997 through November 1999

Minot State UNIVERSITY

MCLEOD, MATTHEW THOMAS [redacted] PG 01

BIRTH DATE: [redacted]

COURSE	TITLE	CREDITS	GRADE
FALL 1993	**BISMARCK STATE COL ND**		
CJ 220	INTRO TO CRIM JUSTICE	3.00	C
CJ 222	POLICE ADMINISTRATION I	3.00	D
HIST 103	US HISTORY TO CIV WAR-GE/2	3.00	D
PHED 101	IND FIT/WT TRAIN/PHY FIT-GE/4	1.00	B
PLSC 101	AMER GOVT & POLITCS-GE/7	3.00	C
ENGL 101	FRESHMAN ENGLISH-GE/1	3.00	D
CUM: 16.00	1.50 INST: 0.00	TERM: 16.00	1.50
SPRG 1994	**BISMARCK STATE COL ND**		
CJ 223	POLICE ADMINISTRATION II	3.00	D
ENGL 102	FRESHMAN ENGLISH-GE/1	3.00	C
HIST 104	US HISTORY FROM CIV WAR-GE/2	3.00	C
PSCY 101	INTRO TO PSYCH-GE/7	3.00	D
SOC 101	INTRO TO SOCIOL-GE/7	3.00	A
CUM: 31.00	1.74 INST: 0.00	TERM: 15.00	2.00
FALL 1994	**BISMARCK STATE COL ND**		
SCNC 101	PHYSC SCI(BIOL/CHEM)LAB-GE/6	4.00	B
SCNC 101	PHYS SCIENCE (BIOL/CHEM)LAB-GE/	0.00	S
ART 111	ART APPRECIATION-GE/3	3.00	B
CJ 230	CRIMINAL LAW	3.00	C
CJ 224	JUVENILE DELINQUENCY	3.00	D
PHED 201	BOWLING-GE/4	1.00	B
CUM: 45.00	1.93 INST: 0.00	TERM: 14.00	2.36
SPRG 1995	**BISMARCK STATE COL ND**		
CJ 231	CRIM EVID & PROCED	3.00	C
CJ 226	CRIM INVESTIGATION	3.00	B
SPCH 101	FUND OF SPEECH-GE/1	3.00	C
SOC 252	CRIMINOLOGY	3.00	B
MATH 102	INTER ALGEBRA	3.00	D
CUM: 60.00	2.00 INST: 0.00	TERM: 15.00	2.20
FALL 1995	**BISMARCK STATE COL ND**		
SCNC 102	PHYS SCIENCE (PHYS/GEOL)-GE/6	4.00	C
SCNC 102L	PHYS SCNC (PHYS/GEOL)-GE/6	0.00	S
CUM: 64.00	2.00 INST: 0.00	TERM: 4.00	2.00
FALL 1995	**ARTS & SCI/CRIMINAL JUSTICE**		
CJ 330	CRIMINOLOGICAL THEORY	3.00	D
CJ 490	ROLE CONFLICTS/PERFORM DILEMMAS	3.00	B
CJ 300	POLICING	3.00	B
CJ 460	FIELD EXPERIENCE	3.00	P
CUM: 76.00	2.04 INST: 12.00	2.33 TERM: 12.00	2.33
BISMARCK STATE COL ND AA	**12-22-95**		
SPRG 1996	**ARTS & SCI/CRIMINAL JUSTICE**		
CJ 370	COURT PROCESSING AND SENTENCING	3.00	C
CJ 340	JUVENILE JUSTICE SYSTEM	3.00	A
CJ 360	CORRECTIONS	3.00	B
CJ 320	PROB, PAROLE, &INTER PUNISHMENT	3.00	B
CUM: 88.00	2.18 INST: 24.00	2.71 TERM: 12.00	3.00
FALL 1996	**ARTS & SCI/CRIMINAL JUSTICE**		
CJ 360	COMPARATIVE CJ SYSTEMS	3.00	C
CJ 410	STRUCTURE & FUNCTION OF CJ SYST	3.00	B
CJ 240	INVESTIGATIVE PROCESS	3.00	C
PSY 317	ABNORMAL PSYCHOLOGY	3.00	D
CJ 460	FIELD EXPERIENCE	3.00	P
CUM:103.00	2.15 INST: 39.00	2.45 TERM: 15.00	2.00
SPRG 1997	**BISMARCK STATE COL ND**		
PHED 251	CARE/PREVENTION INJURIES	2.00	B
PHED 210	FIRST AID/CPR	2.00	B
CUM:107.00	2.19 INST: 39.00	2.45 TERM: 4.00	3.00
SPRG 1997	**ARTS & SCI/CRIMINAL JUSTICE**		
CJ 470	RURAL JUSTICE ISSUES	3.00	A
PSY 312	HUMAN DEVELOPMENT-ADOLESCENCE	3.00	D
CJ 400	JUVENILE GANGS	3.00	C
SW 334	WOMENS ISSUES FOR SVC PROFESSNL	3.00	B
CJ 480	SENIOR READINGS	3.00	A
CJ 399	INDEPENDENT STUDY GENERAL CJ	3.00	A
CUM:125.00	2.31 INST: 57.00	2.65 TERM: 18.00	3.00
HRS AVG:CUM:119.00	275.00 INST: 51.00	135.00	

** END OF RECORD **

MCLEOD, MATTHEW THOMAS

[redacted]

MINOT ND 58703

AN OFFICIAL SIGNATURE IS WHITE WITH RED BACKGROUND. This officially sealed and signed transcript is printed on security paper with a void pantograph. A raised seal is not required.

Official transcript must show a raised seal

Rebecca Porter
Registrar

Minot Investigation CH1478

North Dakota POST Board

McLeod, Matthew T.

Minot PD

Status: Active
Rank: Police Officer
Level:
Class: Police Officer
Assign: Full-time

Print this!

Training History

Date	Cr Yr	Course	Title	Status	Score	Hours
1/14/2014	2014	TASERRCT	Taser X26 Re-Certification Course	Passed	0.0	16.00
					2014 Hours	**16.00**
12/18/2013	2013	CPRRCT	CPR Recertification	Passed	0.0	3.00
12/16/2013	2013	MDA13001	Litigation Body Armor: Use of Force Mgmt Training	Passed	0.0	8.00
11/25/2013	2013	MIPD1104	Minot PD Night Firing Course	Passed	0.0	1.00
9/23/2013	2013	MIPD1302	Minot PD SWAT Basic Operator Certification	Passed	0.0	4.00
9/6/2013	2013	CJIS1301	CJIS ND SAVIN Training	Passed	0.0	1.00
7/28/2013	2013	MIPD1302	Minot PD SWAT Basic Operator Certification	Passed	0.0	4.00
6/24/2013	2013	MIPD1102	Minot PD Annual Sidearm Certification	Passed	0.0	2.00
6/24/2013	2013	MIPD1101	Minot PD Shotgun Course	Passed	0.0	1.00
6/24/2013	2013	MIPD1204	Minot PD M-16 Qualification	Passed	0.0	1.00
6/19/2013	2013	NDSC1205	ND Safety Council Defensive Driving Course (DDC)4	Passed	0.0	4.00
4/28/2013	2013	MIPD1302	Minot PD SWAT Basic Operator Certification	Passed	0.0	4.00
4/17/2013	2013	UGPTI131	Sovereign Training Program	Passed	0.0	4.00
4/7/2013	2013	MIPD1302	Minot PD SWAT Basic Operator Certification	Passed	0.0	4.00
3/18/2013	2013	BCI13001	BCI Advanced Criminal Investigations	Passed	0.0	40.00
2/5/2013	2013	MIPD1103	Minot PD Winter Firing Course	Passed	0.0	1.00
1/10/2013	2013	MIPD1104	Minot PD Night Firing Course	Passed	0.0	1.00
					2013 Hours	**83.00**
12/16/2012	2012	080710	Special Weapon Tactics	Passed	0.0	4.00
11/4/2012	2012	080710	Special Weapon Tactics	Passed	0.0	4.00
10/7/2012	2012	080710	Special Weapon Tactics	Passed	0.0	4.00
9/27/2012	2012	NDSC1205	ND Safety Council Defensive Driving Course (DDC)4	Passed	0.0	4.00
9/7/2012	2012	LLTG1202	Lifeline Training Beyond the Cones	Passed	0.0	4.00
9/7/2012	2012	LLTG1201	Lifeline Training Below 100	Passed	0.0	4.00
8/26/2012	2012	080710	Special Weapon Tactics	Passed	0.0	4.00
7/9/2012	2012	080710	Special Weapon Tactics	Passed	0.0	16.00
6/27/2012	2012	080710	Special Weapon Tactics	Passed	0.0	4.00
4/9/2012	2012	080664	Vehicle Traffic Stops	Passed	0.0	4.00
4/2/2012	2012	TASER IN	Taser Instructor Course	Passed	0.0	16.00
4/1/2012	2012	080710	Special Weapon Tactics	Passed	0.0	4.00
2/19/2012	2012	080710	Special Weapon Tactics	Passed	0.0	4.00
2/7/2012	2012	MIPD1103	Minot PD Winter Firing Course	Passed	0.0	1.00
2/6/2012	2012	080710	Special Weapon Tactics	Passed	0.0	4.00
					2012 Hours	**81.00**
12/18/2011	2011	080710	Special Weapon Tactics	Passed	0.0	4.00
12/11/2011	2011	080401	Cpr	Passed	0.0	4.00
11/13/2011	2011	080710	Special Weapon Tactics	Passed	0.0	4.00
10/30/2011	2011	080710	Special Weapon Tactics	Passed	0.0	4.00
8/7/2011	2011	080710	Special Weapon Tactics	Passed	0.0	4.00
6/29/2011	2011	080805	Sidearm Qualification**	Passed	0.0	1.00
6/12/2011	2011	080710	Special Weapon Tactics	Passed	0.0	4.00
5/29/2011	2011	080710	Special Weapon Tactics	Passed	0.0	4.00
5/26/2011	2011	150636	Interrogation/Interviewing	Passed	0.0	8.00
5/24/2011	2011	150636	Interrogation/Interviewing	Passed	0.0	16.00
5/15/2011	2011	080710	Special Weapon Tactics	Passed	0.0	4.00
5/2/2011	2011	150232	Computer Crime	Passed	0.0	36.00
1/18/2011	2011	BUSO1102	Burleigh SO Health & Personal Fitness for LE	Passed	0.0	1.00
1/16/2011	2011	080710	Special Weapon Tactics	Passed	0.0	4.00
1/2/2011	2011	080710	Special Weapon Tactics	Passed	0.0	4.00
					2011 Hours	**102.00**
11/21/2010	2010	080710	Special Weapon Tactics	Passed	0.0	4.00

10/25/2010	2010	080617	Defensive Driving	Passed	0.0	4.00
10/18/2010	2010	150710	Special Weapon Tactics	Passed	0.0	40.00
10/10/2010	2010	080710	Special Weapon Tactics	Passed	0.0	4.00
10/7/2010	2010	080300	Legal Issues	Passed	0.0	4.00
9/23/2010	2010	150711	Tactical Situations	Passed	0.0	24.00
8/1/2010	2010	080710	Special Weapon Tactics	Passed	0.0	4.00
6/20/2010	2010	080710	Special Weapon Tactics	Passed	0.0	4.00
6/14/2010	2010	080805	Sidearm Qualification**	Passed	0.0	1.00
6/6/2010	2010	080711	Tactical Situations	Passed	0.0	4.00
5/23/2010	2010	080710	Special Weapon Tactics	Passed	0.0	3.00
5/20/2010	2010	080625	Field Sobriety Test/SFST	Passed	0.0	4.00
5/9/2010	2010	080710	Special Weapon Tactics	Passed	0.0	4.00
4/24/2010	2010	080611	Chemical Test (intox)	Passed	0.0	2.00
4/15/2010	2010	080314	Traffic Law Enforcement	Passed	0.0	1.00
4/11/2010	2010	080710	Special Weapon Tactics	Passed	0.0	4.00
4/1/2010	2010	080808	Taser	Passed	0.0	16.00
4/1/2010	2010	080615	Court Testimony	Passed	0.0	2.00
3/28/2010	2010	080710	Special Weapon Tactics	Passed	0.0	4.00
3/14/2010	2010	080710	Special Weapon Tactics	Passed	0.0	4.00
3/9/2010	2010	080401	Cpr	Passed	0.0	4.00
2/28/2010	2010	080710	Special Weapon Tactics	Passed	0.0	4.00
1/31/2010	2010	080710	Special Weapon Tactics	Passed	0.0	4.00
1/19/2010	2010	080816	Fats System	Passed	0.0	1.00
1/17/2010	2010	080710	Special Weapon Tactics	Passed	0.0	4.00
					2010 Hours	**154.00**
12/6/2009	2009	080710	Special Weapon Tactics	Passed	0.0	4.00
10/21/2009	2009	080210	Domestic Violence	Passed	0.0	4.00
10/12/2009	2009	150623	Evoc	Passed	0.0	50.00
10/7/2009	2009	080804	Firearms General	Passed	0.0	1.00
8/14/2009	2009	080805	Sidearm Qualification**	Passed	0.0	1.00
6/15/2009	2009	080236	Terrorism	Passed	0.0	24.00
4/6/2009	2009	130236	Terrorism	Passed	0.0	8.00
2/6/2009	2009	080816	Fats System	Passed	0.0	1.00
					2009 Hours	**93.00**
12/22/2008	2008	080804	Firearms General	Passed	0.0	1.00
10/22/2008	2008	080804	Firearms General	Passed	0.0	1.00
9/15/2008	2008	080236	Terrorism	Passed	0.0	24.00
9/14/2008	2008	130236	Terrorism	Passed	0.0	4.00
8/14/2008	2008	080805	Sidearm Qualification**	Passed	0.0	1.00
8/4/2008	2008	080623	Evoc	Passed	0.0	6.00
7/2/2008	2008	080210	Domestic Violence	Passed	0.0	4.00
7/1/2008	2008	080219	Sex Offenses	Passed	0.0	4.00
5/15/2008	2008	080402	Cpr Recertification	Passed	0.0	2.00
2/21/2008	2008	080816	Fats System	Passed	0.0	1.00
1/23/2008	2008	080808	Taser	Passed	0.0	16.00
1/1/2008	2008	080804	Firearms General	Passed	0.0	1.00
					2008 Hours	**65.00**
9/21/2007	2007	080804	Firearms General	Passed	0.0	1.00
8/1/2007	2007	080805	Sidearm Qualification**	Passed	0.0	1.00
3/15/2007	2007	080816	Fats System	Passed	0.0	1.00
1/10/2007	2007	080804	Firearms General	Passed	0.0	1.00
1/1/2007	2007	080402	Cpr Recertification	Passed	0.0	2.00
					2007 Hours	**6.00**
12/1/2006	2006	080804	Firearms General	Passed	0.0	1.00
8/28/2006	2006	080805	Sidearm Qualification**	Passed	0.0	1.00
4/11/2006	2006	080808	Taser	Passed	0.0	16.00
3/24/2006	2006	080401	Cpr	Passed	0.0	3.00
3/14/2006	2006	080804	Firearms General	Passed	0.0	1.00
3/8/2006	2006	080716	Ppct	Passed	0.0	1.00
1/29/2006	2006	010816	Fats System	Passed	0.0	1.00
					2006 Hours	**24.00**
12/1/2005	2005	080804	Firearms General	Passed	0.0	1.00
11/1/2005	2005	080804	Firearms General	Passed	0.0	1.00
9/26/2005	2005	080620	Drug Identification	Passed	0.0	3.00
8/1/2005	2005	130236	Terrorism	Passed	0.0	3.00
7/31/2005	2005	080805	Sidearm Qualification**	Passed	0.0	1.00
6/20/2005	2005	080711	Tactical Situations	Passed	0.0	50.00

6/1/2005	2005	080301	Arrest, Search, Seizure	Passed	0.0	1.00
6/1/2005	2005	080118	Public Relations	Passed	0.0	1.00
4/18/2005	2005	080030	Police Subjects	Passed	0.0	1.00
4/1/2005	2005	080704	Deadly Force	Passed	0.0	1.00
3/1/2005	2005	080219	Sex Offenses	Passed	0.0	1.00
3/1/2005	2005	080804	Firearms General	Passed	0.0	1.00
2/17/2005	2005	080401	Cpr	Passed	0.0	3.00
2/1/2005	2005	080219	Sex Offenses	Passed	0.0	1.00
1/25/2005	2005	010816	Fats System	Passed	0.0	1.00
1/1/2005	2005	080219	Sex Offenses	Passed	0.0	1.00
					2005 Hours	71.00
12/1/2004	2004	080219	Sex Offenses	Passed	0.0	1.00
11/7/2004	2004	080067	Aircraft Training	Passed	0.0	1.00
11/1/2004	2004	080639	Patrol Techniques	Passed	0.0	1.00
10/1/2004	2004	080202	Auto Theft	Passed	0.0	1.00
9/24/2004	2004	080301	Arrest, Search, Seizure	Passed	0.0	1.00
9/1/2004	2004	080203	Burglary/Theft	Passed	0.0	1.00
8/6/2004	2004	080301	Arrest, Search, Seizure	Passed	0.0	1.00
8/1/2004	2004	080808	Taser	Passed	0.0	1.00
7/15/2004	2004	080236	Terrorism	Passed	0.0	1.00
7/1/2004	2004	080410	Communicable Diseases	Passed	0.0	1.00
6/8/2004	2004	080805	Sidearm Qualification**	Passed	0.0	1.00
6/1/2004	2004	080636	Interrogation/Interviewing	Passed	0.0	1.00
5/22/2004	2004	080301	Arrest, Search, Seizure	Passed	0.0	1.00
5/19/2004	2004	080620	Drug Identification	Passed	0.0	3.00
5/17/2004	2004	080219	Sex Offenses	Passed	0.0	4.00
5/13/2004	2004	080301	Arrest, Search, Seizure	Passed	0.0	1.00
5/1/2004	2004	080501	Motorcycle Gangs	Passed	0.0	1.00
4/2/2004	2004	080301	Arrest, Search, Seizure	Passed	0.0	1.00
4/1/2004	2004	080301	Arrest, Search, Seizure	Passed	0.0	1.00
3/29/2004	2004	080030	Police Subjects	Passed	0.0	1.00
3/11/2004	2004	080210	Domestic Violence	Passed	0.0	3.50
3/1/2004	2004	080030	Police Subjects	Passed	0.0	1.00
2/24/2004	2004	080301	Arrest, Search, Seizure	Passed	0.0	1.00
2/24/2004	2004	080804	Firearms General	Passed	0.0	1.00
2/11/2004	2004	080622	Evidence Handling	Passed	0.0	3.00
2/5/2004	2004	080401	Cpr	Passed	0.0	3.00
2/2/2004	2004	080301	Arrest, Search, Seizure	Passed	0.0	1.00
2/1/2004	2004	080030	Police Subjects	Passed	0.0	1.00
1/30/2004	2004	080020	Physical Fitness	Passed	0.0	2.00
1/20/2004	2004	080636	Interrogation/Interviewing	Passed	0.0	1.00
1/1/2004	2004	080637	K-9	Passed	0.0	1.00
					2004 Hours	43.50
12/1/2003	2003	080637	K-9	Passed	0.0	1.00
12/1/2003	2003	080804	Firearms General	Passed	0.0	1.00
12/1/2003	2003	014665	Instructor Development/Moi	Passed	0.0	56.00
11/30/2003	2003	080030	Police Subjects	Passed	0.0	1.00
11/26/2003	2003	080301	Arrest, Search, Seizure	Passed	0.0	1.00
11/11/2003	2003	080030	Police Subjects	Passed	0.0	4.00
11/10/2003	2003	080301	Arrest, Search, Seizure	Passed	0.0	1.00
10/1/2003	2003	080223	Criminal Investigation	Passed	0.0	1.00
9/18/2003	2003	080301	Arrest, Search, Seizure	Passed	0.0	1.00
9/15/2003	2003	010816	Fats System	Passed	0.0	1.00
9/3/2003	2003	080059	Administration	Passed	0.0	1.00
9/1/2003	2003	080011	Juvenile Subjects	Passed	0.0	1.00
8/24/2003	2003	080301	Arrest, Search, Seizure	Passed	0.0	1.00
8/21/2003	2003	080301	Arrest, Search, Seizure	Passed	0.0	1.00
8/7/2003	2003	080623	Evoc	Passed	0.0	1.00
8/1/2003	2003	080118	Public Relations	Passed	0.0	1.00
7/21/2003	2003	080301	Arrest, Search, Seizure	Passed	0.0	1.00
7/7/2003	2003	100716	Ppct	Passed	0.0	36.00
7/1/2003	2003	080614	Crime Scene	Passed	0.0	1.00
6/26/2003	2003	080805	Sidearm Qualification**	Passed	0.0	1.00
6/25/2003	2003	080639	Patrol Techniques	Passed	0.0	1.00
6/19/2003	2003	080030	Police Subjects	Passed	0.0	1.00
6/18/2003	2003	080111	People With Disabilities	Passed	0.0	2.00
6/1/2003	2003	080614	Crime Scene	Passed	0.0	1.00

5/29/2003	2003	080301	Arrest, Search, Seizure	Passed	0.0	1.00
5/20/2003	2003	080050	Weather Training	Passed	0.0	2.00
5/12/2003	2003	080110	Media Relations	Passed	0.0	1.00
5/7/2003	2003	080080	Traffic Safety	Passed	0.0	1.00
5/1/2003	2003	080111	People With Disabilities	Passed	0.0	1.00
5/1/2003	2003	080639	Patrol Techniques	Passed	0.0	1.00
4/29/2003	2003	080010	Security, Airport	Passed	0.0	1.00
4/14/2003	2003	080127	Elderly	Passed	0.0	1.00
4/8/2003	2003	080076	Sexual Harassment	Passed	0.0	2.00
4/6/2003	2003	080401	Cpr	Passed	0.0	1.00
4/1/2003	2003	080010	Security, Airport	Passed	0.0	1.00
4/1/2003	2003	080400	Medical	Passed	0.0	1.00
3/17/2003	2003	080217	Kidnapping	Passed	0.0	1.00
3/17/2003	2003	080236	Terrorism	Passed	0.0	1.00
3/1/2003	2003	080030	Police Subjects	Passed	0.0	1.00
3/1/2003	2003	080041	Police In-Service	Passed	0.0	2.00
3/1/2003	2003	080629	Hazardous Materials	Passed	0.0	1.00
2/27/2003	2003	080236	Terrorism	Passed	0.0	1.00
2/26/2003	2003	080210	Domestic Violence	Passed	0.0	1.00
2/19/2003	2003	080010	Security, Airport	Passed	0.0	1.00
2/18/2003	2003	080301	Arrest, Search, Seizure	Passed	0.0	1.00
2/14/2003	2003	080402	Cpr Recertification	Passed	0.0	4.00
2/3/2003	2003	080709	Street/Officer Survival	Passed	0.0	1.00
2/3/2003	2003	080804	Firearms General	Passed	0.0	1.00
2/1/2003	2003	080029	Management	Passed	0.0	1.00
1/27/2003	2003	080217	Kidnapping	Passed	0.0	1.00
1/10/2003	2003	080030	Police Subjects	Passed	0.0	1.00
1/10/2003	2003	080620	Drug Identification	Passed	0.0	1.00
1/9/2003	2003	080306	Court System	Passed	0.0	1.00
1/8/2003	2003	080643	Radar Certification	Passed	0.0	4.00
1/3/2003	2003	080301	Arrest, Search, Seizure	Passed	0.0	1.00
1/2/2003	2003	080082	Disaster Training	Passed	0.0	1.00
1/1/2003	2003	080076	Sexual Harassment	Passed	0.0	1.00
					2003 Hours	**160.00**
12/19/2002	2002	080301	Arrest, Search, Seizure	Passed	0.0	1.00
12/2/2002	2002	080232	Computer Crime	Passed	0.0	1.00
11/18/2002	2002	080080	Traffic Safety	Passed	0.0	1.00
11/15/2002	2002	080301	Arrest, Search, Seizure	Passed	0.0	1.00
11/8/2002	2002	080668	Water Safety	Passed	0.0	1.00
11/4/2002	2002	070816	Fats System	Passed	0.0	1.00
10/25/2002	2002	080813	Night Firing	Passed	0.0	1.00
10/17/2002	2002	080301	Arrest, Search, Seizure	Passed	0.0	1.00
10/1/2002	2002	080041	Police In-Service	Passed	0.0	1.00
10/1/2002	2002	080301	Arrest, Search, Seizure	Passed	0.0	1.00
10/1/2002	2002	080806	Rifle	Passed	0.0	4.00
8/28/2002	2002	100625	Field Sobriety Test/SFST	Passed	0.0	16.00
8/25/2002	2002	080804	Firearms General	Passed	0.0	1.00
8/14/2002	2002	080301	Arrest, Search, Seizure	Passed	0.0	1.00
7/24/2002	2002	080805	Sidearm Qualification**	Passed	0.0	1.00
7/10/2002	2002	080301	Arrest, Search, Seizure	Passed	0.0	1.00
7/9/2002	2002	080804	Firearms General	Passed	0.0	1.00
7/1/2002	2002	080041	Police In-Service	Passed	0.0	1.00
7/1/2002	2002	080702	Bombs And Explosives	Passed	0.0	4.00
7/1/2002	2002	080804	Firearms General	Passed	0.0	4.00
6/30/2002	2002	080028	Vehicle Use And Maintenance	Passed	0.0	1.00
6/21/2002	2002	080805	Sidearm Qualification**	Passed	0.0	1.00
6/20/2002	2002	080301	Arrest, Search, Seizure	Passed	0.0	1.00
6/1/2002	2002	080705	Defensive Tactics	Passed	0.0	1.00
5/20/2002	2002	080064	Field Training Officer Course	Passed	0.0	73.00
5/3/2002	2002	080316	Law Related Subjects	Passed	0.0	1.00
5/1/2002	2002	080664	Vehicle Traffic Stops	Passed	0.0	1.00
3/14/2002	2002	080316	Law Related Subjects	Passed	0.0	1.00
					2002 Hours	**124.00**
11/27/2001	2001	080805	Sidearm Qualification**	Passed	0.0	1.00
11/14/2001	2001	105215	Homicide	Passed	0.0	24.00
9/18/2001	2001	080002	Computer Applications	Passed	0.0	2.00
9/18/2001	2001	080807	Shotgun	Passed	0.0	8.00

6/1/2001	2001	080639	Patrol Techniques	Passed	0.0	32.00
5/18/2001	2001	080702	Bombs And Explosives	Passed	0.0	8.00
2/21/2001	2001	080210	Domestic Violence	Passed	0.0	3.00
2/21/2001	2001	080302	Child Restraint	Passed	0.0	4.00
1/2/2001	2001	080406	First Aid Advanced	Passed	0.0	4.00
1/2/2001	2001	080802	Baton	Passed	0.0	1.00
					2001 Hours	**87.00**
11/15/2000	2000	080219	Sex Offenses	Passed	0.0	2.00
11/15/2000	2000	080301	Arrest, Search, Seizure	Passed	0.0	2.00
11/15/2000	2000	080636	Interrogation/Interviewing	Passed	0.0	3.00
10/17/2000	2000	080805	Sidearm Qualification**	Passed	0.0	1.00
9/19/2000	2000	080807	Shotgun	Passed	0.0	10.00
4/19/2000	2000	080657	Accident Investigation	Passed	0.0	1.00
3/29/2000	2000	080103	Community Based Policing/Resou	Passed	0.0	4.00
3/29/2000	2000	080637	K-9	Passed	0.0	2.00
3/29/2000	2000	080711	Tactical Situations	Passed	0.0	3.00
1/10/2000	2000	100042	Basic/Police And Sheriff	Passed	0.0	435.00
					2000 Hours	**463.00**
12/30/1999	1999	080805	Sidearm Qualification**	Passed	0.0	1.00
12/23/1999	1999	080815	Semi Automatic Handguns	Passed	0.0	8.00
12/21/1999	1999	080045	Policy Writing	Passed	0.0	1.00
12/21/1999	1999	080117	Human Relations	Passed	0.0	4.00
12/21/1999	1999	080315	Juvenile Law	Passed	0.0	1.00
					1999 Hours	**15.00**
					Total Hours	**1587.50**

May not reflect most current training.

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City of Minot

Employee's Name: Matt McLeod

Title: Sergeant

Department: Police

Review Period: 2016

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
1. Skill and proficiency in carrying out assignments		4-Highly Effecti				
Brief explanation: Matt is very proficient and timely with the various tasks in his current position in records. He has a good understanding of all parts of the job and keeps people up-to-date with changes.						
2. Possesses skills and knowledge to perform the job competently		4-Highly Effecti				
Brief explanation:						
3. Skill at planning, organizing and prioritizing workload		4-Highly Effecti				
Brief explanation: Matt seems to have a good grasp on planning and prioritizing his workload.						
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner			3-Proficient			
Brief explanation:						
5. Proficiency at improving work methods and procedures as a means toward greater efficiency		4-Highly Effecti				
Brief explanation: Matt has looked for alternative solutions to storing evidence and maintaining accountability for evidence.						
6. Communicates effectively with supervisor, peers, and customers				2- Needs Impro		
Brief explanation: Matt does a good job of keeping people informed about what is going on with various processes and evidence. There is room for improvement in effective communication with peers (especially written communication) that is direct but sometimes lacks info.						
7. Ability to work independently		4-Highly Effecti				
Brief explanation:						

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 4- Highly Effect

Brief explanation: Matt is team oriented and works well with a team to resolve issues.

9. Willingness to take on additional responsibilities — 3- Proficient

Brief explanation:

10. Reliability (attendance, punctuality, meeting deadlines) — 4- Highly Effect

Brief explanation: On time and usually plans absences from regular duties.

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 3- Proficient

Brief explanation:

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation:

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 3-Proficient

Brief explanation:

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. — 4-Highly Effecti

Brief explanation: Matt is very fair in handling situations with his subordinates.

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. — 3-Proficient

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. — 3-Proficient

Brief explanation: Matt needs to focus on the potential of those around him and not their shortcomings. He has a unique leadership style, but it's effective and people follow him. There are others who can help (especially on SWAT) but he needs to lean on them and test their true ability.

17. Delegates responsibility where appropriate, based on the employee's ability and potential. — 3-Proficient

Brief explanation: same as #16

18. Takes timely and appropriate corrective/disciplinary action with employees. — 2- Needs Impro

Brief explanation: Matt is timely with taking action, but needs to get away from shotgun emails that are usually in response to his frustrations about repeat problems. Again, the issues should be handled in connection with the supervisor responsible for the problem employee.

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. — 3-Proficient

Brief explanation:

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Matt is a well trained and highly capable leader. His skills as commander of the SWAT team serve the position and team well. He is organized and does well with planning the various duties and responsibilities and keeping his coworkers and supervisors informed.

2. List aspects of employee's performance that require improvement for greater effectiveness.

If Matt can make changes to his communication style from directing people what to do, to a more informative style of communication, he will likely see changes in response from subordinates and peers. The problem isn't the lack of communication, it's the method of delivery and lack of information.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Supervisor and leadership training may help with some of the communication issues listed above.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Supervisory / Leadership training courses.

5. List the employee's development goals for the coming year:

This annual performance review will become part of your City of Minot personnel file. Please sign below to acknowledge that you have received this document.

Employee Signature: Date: 2/14/17

Supervisor Signature Date: 2/14/17

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

☒ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Chief Jason Olson	2-14-17
Department Head Approval	Date:

Human Resource Director Review

Comments:

	2/27/17
Human Resource Director Approval:	Date:

CERTIFICATE OF COMPLETION

Drivers License Number:

Course Completion Date: **08/29/2016**

Control No.
26598

Security Control No.
716548

Name: **Matt Mcleod**
Address: **PO Box 5006**
Address:
City, State, Zip: **Minot, ND 58702**

Training Center: **North Dakota Safety Council**
Instructor Name: **Aaron Moss**
Instructor Number:

COPY

DDC 4

Four hours

This certifies that the person named above
has successfully completed the National Safety Council
Defensive Driving Course 4.

THIS DOCUMENT IS VOID IF REPRODUCED

Understand the risks of distracted driving

- Talking on your cell phone, reading e-mail, putting on makeup or sending text messages are all examples of high-risk distracted driving
- People who use cell phones while driving are 4 times as likely to be in a crash
- More than 30 scientific studies agree that hands-free cell phones are not any safer to use when driving

Control No. **26598**

Matt Mcleod

has completed the NSC
Defensive Driving Course 4

Drivers License Number:

Course Completion Date:
08/29/2016

Deborah A.P. Hersman
President & CEO

Instructional Hours:
4 hours

North Dakota Safety Council
Training Center

Aaron Moss
Instructor

Instructor Number

Security Control No. 716548

Keep this card for your records. Void if reproduced.

10M0315 Printed in the USA 33493-0000

REQUEST FOR CAREER LADDER

Employee: MATT MCLEOD

Department: POLICE DEPARTMENT

Effective Date: JUNE 10, 2006

Justification for Request: _____

Present		Proposed	
Salary:	$2909	Salary:	$3056
Range:	35	Range:	38
Step:	07	Step:	06
Title:	POLICE OFFICER	Title:	POLICE OFFICER-SR

Superintendent/Supervisor

Department Head

6-06-06
Date

* * * * * * ROUTE TO HUMAN RESOURCES/PERSONNEL * * * * * *

Date Request Received: 6-7-06

Comments: _____

Human Resource Director

* * * * * * * * * * ROUTE TO CITY MANAGER * * * * * * * * * *

Date Approved: 6/7/06

City Manager

Minot Investigation CH1491

City of Minot

Employee Performance Appraisal

EMPLOYEE NAME: MATTHEW MCLEOD DEPT: Police Dept.

POSITION TITLE: POLICE SERGEANT

DATE HIRED: 6/10/2 DATE APPOINTED TO POSITION: _____

Section I

JOB KNOWLEDGE
Knowledge of policies and procedures; OR knowledge of techniques, skills, equipment, procedures, and materials.

8	Very well informed, seldom requires assistance and instruction. Has thorough grasp of all phases of job.	9-8-7
____	Satisfactory job knowledge, understands and performs most phases of job well, occasionally requires assistance or instruction.	6-5-4
____	Limited knowledge of job, further training required, frequently requires assistance or instruction.	3-2
____	Lacks knowledge to perform job properly.	1

QUALITY OF WORK
Freedom from errors and mistakes. Accuracy, quality of work in general.

8	Quality above average with very few errors and mistakes. High quality of work.	9-8-7
____	Quality very satisfactory, usually produces error free work.	6-5-4
____	Room for improvement, frequent errors, work requires checking & re-doing.	3-2
____	Excessive errors and mistakes, very poor quality.	1

QUANTITY OF WORK
Work output of the employee.

8	High volume producer. Produces more than most, above average.	9-8-7
____	Handles a satisfactory volume of work, occasionally does more than is required.	6-5-4
____	Barely acceptable, low output, below average.	3-2
____	Extremely low output, not acceptable.	1

RELIABILITY

The extent to which the employee can be depended upon to be available for work, do it properly, and complete it on time. The degree to which the employee is reliable, trustworthy, and persistent.

7	Very reliable, above average, highly persistent in spite of difficulties.	9-8-7
____	Usually gets the job done on time, very persistent, works well under pressure.	6-5-4
____	Sometimes unreliable, will avoid responsibility, satisfied to do the bare minimum.	3-2
____	Usually unreliable, does not accept responsibility, gives up easily.	1

INITIATIVE AND CREATIVITY

The ability to plan work and to go ahead with a task without being told every detail, and the ability to make constructive suggestions.

8	Very persistent, frequently makes suggestions for improvement. Anticipates needed actions, proceeds on own with little or no direction, progressive.	9-8-7
____	Usually a self starter, very good performance, shows initiative in completing tasks.	6-5-4
____	Does not proceed on own, waits for direction, routine worker.	3-2
____	Lacks initiative, less than satisfactory performance.	1

JUDGEMENT

The extent to which the employee makes decisions which are sound. Ability to base decisions on fact rather than emotion.

8	Uses exceptionally good judgement when analyzing facts and solving problems, thinking is very mature and sound.	9-8-7
____	Above average judgement. Handles most situations very well and makes sound decisions under normal circumstances.	6-5-4
____	Uses questionable judgement at times, room for improvement.	3-2
____	Uses poor judgement when dealing with people and situations.	1

COOPERATION

Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.

8	Very cooperative, stimulates teamwork and good attitude in others.	9-8-7
____	Cooperative, very willing to cooperate and get along.	6-5-4
____	Indifferent, makes little effort to cooperate or is disruptive to the overall group or department.	3-2
____	Negative and hard to get along with.	1

ATTENDANCE
Faithfulness in coming to work daily and conforming to scheduled work hours.

9	Very prompt and regular in attendance, above average, pre-planned absences. Absent only in rare emergency	9-8-7
____	Usually present and on time, normally pre-planned absences.	6-5-4
____	Lax in attendance and/or reporting on time, improvement needed to meet required standards.	3-2
____	Often absent without sufficient reason and/or frequently reports to work late or leaves early.	1

Section II

(Complete for Supervisory Personnel only)

PLANNING AND ORGANIZING
The ability to analyze work, set goals, develop plans for action, utilize time. Consider amount of supervision required and extent to which you can trust employee to carry out assignments conscientiously.

9	Exceptionally good planning and organizing skills. Always carries out assignments conscientiously.	9-8-7
____	Above average planing and organizing. Occasionally requires assistance.	6-5-4
____	Room for improvement. Frequently requires assistance.	3-2
____	Unacceptable planning and organizing skills.	1

DIRECTING AND CONTROLLING
The ability to create a motivating climate, achieve teamwork, train and develop, measure work in progress, take corrective action.

8	Makes a good leader, others look up to this employee. Very motivated.	9-8-7
____	Above average. Sometimes needs to be reminded of leadership role.	6-5-4
____	Needs to improve motivational and teamwork skills.	3-2
____	Unacceptable directing and controlling skills.	1

DECISION MAKING
The ability to make decisions and the quality and timeliness of those decisions.

8	Exceptional decision making abilities, always in a timely matter.	9-8-7
____	Average. Usually makes sound and timely decisions.	6-5-4
____	Needs to improve decision making and/or timeliness of decisions.	3-2
____	Unacceptable decisions and/or timeliness.	1

Section III

APPRAISER COMMENTS

Noteworthy strong areas of present performance:

McLeod has been instrumental in creating an office manager position in records. His work has made the process very smooth. Maths leadership on the SWAT team is very valuable

Areas requiring improvement in job performance:

What has the employee done to improve performance from the previous review?

McLeod has transitioned from his former position in investigations to his supervisory role as records Sergeant very well

Developmental Plans & Goals:

I would suggest to mcleod that he seek out leadership & management training to further develop his leadership skills

Overall Performance Rating (*cumulative*): ~~4489~~ Divided by 8 (or 11): 8.1

Circle one category below:

1	2-3	4-5-6	7-8-9
Marginal	**Needs Improvement**	**Fully Satisfactory**	**Highly Commendable**

HIGHLY COMMENDABLE (9-8-7)
Usually outstanding performance. Consistently generates results above those expected of the position with significant contributions to objectives of the department, division, group, or company. Contributes in a superior manner to innovations both technical and functional.

FULLY SATISFACTORY (6-5-4)
Good performance with incumbent fulfilling all position requirements and may, on occasion, generate results above those expected of the position.

NEEDS IMPROVEMENT (3-2)
Performance leaves room for improvement. This performance level may be the result of new or inexperienced incumbent on the job or an incumbent not responding favorably to instruction.

MARGINAL (1)
Lowest performance level which is clearly less than acceptable, and which is obviously well below minimum position requirements. Situation requires immediate review and action. Possible separation or reassignment is in order without significant and immediate performance improvement.

Date discussed with employee 2/12/15 D. [signature]

Supervisor's Signature *Date*

Section IV

EMPLOYEE COMMENTS

1. What comments, ideas, or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

   a) the City?

   b) your department?

   c) you?

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

Employee Signature

2/12/15
Date

Section V

DEPARTMENT HEAD REVIEW

Date discussed with Supervisor:_____

Department Head Comments & Recommendations:

_____

_____

_____

_____

☑ APPROVE NEXT STEP INCREASE

☐ DENY STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Chief Jason Olson 2-17-15

Department Head Approval Date

Section VI

HUMAN RESOURCE DIRECTOR REVIEW

_____

_____

_____

_____

Human Resource Director Approval Date

City of Minot

Employee Performance Appraisal

EMPLOYEE NAME:____ 20 - MATTHEW MCLEOD - POLICE SERGEANT

POSITION TITLE:_____

DATE HIRED:_____ JAN 2016

T:_____

_____

OSITION:_____

Section I

JOB KNOWLEDGE

Knowledge of policies and procedures; OR knowledge of techniques, skills, equipment, procedures, and materials.

8	Very well informed, seldom requires assistance and instruction. Has thorough grasp of all phases of job.	9-8-7
____	Satisfactory job knowledge, understands and performs most phases of job well, occasionally requires assistance or instruction.	6-5-4
____	Limited knowledge of job, further training required, frequently requires assistance or instruction.	3-2
____	Lacks knowledge to perform job properly.	1

QUALITY OF WORK

Freedom from errors and mistakes. Accuracy, quality of work in general.

8	Quality above average with very few errors and mistakes. High quality of work.	9-8-7
____	Quality very satisfactory, usually produces error free work.	6-5-4
____	Room for improvement, frequent errors, work requires checking & re-doing.	3-2
____	Excessive errors and mistakes, very poor quality.	1

QUANTITY OF WORK

Work output of the employee.

8	High volume producer. Produces more than most, above average.	9-8-7
____	Handles a satisfactory volume of work, occasionally does more than is required.	6-5-4
____	Barely acceptable, low output, below average.	3-2
____	Extremely low output, not acceptable.	1

RELIABILITY

The extent to which the employee can be depended upon to be available for work, do it properly, and complete it on time. The degree to which the employee is reliable, trustworthy, and persistent.

8	Very reliable, above average, highly persistent in spite of difficulties.	9-8-7
____	Usually gets the job done on time, very persistent, works well under pressure.	6-5-4
____	Sometimes unreliable, will avoid responsibility, satisfied to do the bare minimum.	3-2
____	Usually unreliable, does not accept responsibility, gives up easily.	1

INITIATIVE AND CREATIVITY

The ability to plan work and to go ahead with a task without being told every detail, and the ability to make constructive suggestions.

8	Very persistent, frequently makes suggestions for improvement. Anticipates needed actions, proceeds on own with little or no direction, progressive.	9-8-7
____	Usually a self starter, very good performance, shows initiative in completing tasks.	6-5-4
____	Does not proceed on own, waits for direction, routine worker.	3-2
____	Lacks initiative, less than satisfactory performance.	1

JUDGEMENT

The extent to which the employee makes decisions which are sound. Ability to base decisions on fact rather than emotion.

8	Uses exceptionally good judgement when analyzing facts and solving problems, thinking is very mature and sound.	9-8-7
____	Above average judgement. Handles most situations very well and makes sound decisions under normal circumstances.	6-5-4
____	Uses questionable judgement at times, room for improvement.	3-2
____	Uses poor judgement when dealing with people and situations.	1

COOPERATION

Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.

7	Very cooperative, stimulates teamwork and good attitude in others.	9-8-7
____	Cooperative, very willing to cooperate and get along.	6-5-4
____	Indifferent, makes little effort to cooperate or is disruptive to the overall group or department.	3-2
____	Negative and hard to get along with.	1

ATTENDANCE
Faithfulness in coming to work daily and conforming to scheduled work hours.

9	Very prompt and regular in attendance, above average, pre-planned absences. Absent only in rare emergency	9-8-7
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____	Lax in attendance and/or reporting on time, improvement needed to meet required standards.	3-2
____	Often absent without sufficient reason and/or frequently reports to work late or leaves early.	1

Section II

(Complete for Supervisory Personnel only)

PLANNING AND ORGANIZING
The ability to analyze work, set goals, develop plans for action, utilize time. Consider amount of supervision required and extent to which you can trust employee to carry out assignments conscientiously.

8	Exceptionally good planning and organizing skills. Always carries out assignments conscientiously.	9-8-7
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DECISION MAKING
The ability to make decisions and the quality and timeliness of those decisions.

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____	Average. Usually makes sound and timely decisions.	6-5-4
____	Needs to improve decision making and/or timeliness of decisions.	3-2
____	Unacceptable decisions and/or timeliness.	1

Section III

APPRAISER COMMENTS

Noteworthy strong areas of present performance:

SGT. MCLEOD IS ORGANIZED AND FOCUSED ON SEEING THROUGH THE PROJECTS HE TOOK ON IN HIS CURRENT POSITION. HE DOES A GOOD JOB OF INFORMING ME WHAT IS HAPPENING IN RECORDS + SEEKING SUPPORT FOR CHANGES THAT NEED TO BE MADE.

Areas requiring improvement in job performance:

MATT DOES A GREAT JOB WITH SWAT; HOWEVER, I'D LIKE TO SEE THE SAME LEVEL OF MOTIVATION WITH THE RECORDS STAFF. KEEP IN THE LOOP AND HELP THE 6 WHO WORK FOR RECORDS DEVELOP + GROW IN THE ORGANIZATION.

What has the employee done to improve performance from the previous review?

THIS IS MY FIRST EVAL WITH MATT. I THINK HE IS A CRITICAL THINKER WHO WORKS TO IMPROVE THE EFFICIENCY IN RECORDS.

Developmental Plans & Goals:

- CONTINUE TO SEEK OUT TRAINING OPPORTUNITIES IN LEADERSHIP.
- SET GOALS FOR SELF, SWAT, RECORDS
- CONTINUE TO SHARE YOUR KNOWLEDGE OF TACTICS W/ SUBORDINATES.

Overall Performance Rating (*cumulative*): 88 Divided by 8 (or 11): 8

Circle one category below:

1	2-3	4-5-6	7-8-9
Marginal	**Needs Improvement**	**Fully Satisfactory**	**Highly Commendable**

HIGHLY COMMENDABLE (9-8-7)
Usually outstanding performance. Consistently generates results above those expected of the position with significant contributions to objectives of the department, division, group, or company. Contributes in a superior manner to innovations both technical and functional.

FULLY SATISFACTORY (6-5-4)
Good performance with incumbent fulfilling all position requirements and may, on occasion, generate results above those expected of the position.

NEEDS IMPROVEMENT (3-2)
Performance leaves room for improvement. This performance level may be the result of new or inexperienced incumbent on the job or an incumbent not responding favorably to instruction.

MARGINAL (1)
Lowest performance level which is clearly less than acceptable, and which is obviously well below minimum position requirements. Situation requires immediate review and action. Possible separation or reassignment is in order without significant and immediate performance improvement.

Date discussed with employee 1/8/16 *Supervisor's Signature* 102 *Date* 1/8/16

Section IV

EMPLOYEE COMMENTS

1. What comments, ideas, or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

   a) the City?

   b) your department?

   c) you?

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

(McLeod) 1/8/16

Employee Signature *Date*

Section V

DEPARTMENT HEAD REVIEW

Date discussed with Supervisor:_____

Department Head Comments & Recommendations:

_____

_____

_____

_____

☑ APPROVE NEXT STEP INCREASE

☐ DENY STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Chief [illegible] 1-11-16

Department Head Approval Date

Section VI

HUMAN RESOURCE DIRECTOR REVIEW

_____

_____

_____

[illegible] 1/18/16

Human Resource Director Approval Date

City of Minot

Employee Performance Appraisal

EMPLOYEE NAME: MATTHEW MCLEOD DEPT: 22

POSITION TITLE: POLICE OFFICER, SENIOR

DATE HIRED: 6/10/2002 DATE APPOINTED TO POSITION: _____

Section I

JOB KNOWLEDGE
Knowledge of policies and procedures; OR knowledge of techniques, skills, equipment, procedures, and materials.

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Work output of the employee.

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The extent to which the employee can be depended upon to be available for work, do it properly, and complete it on time. The degree to which the employee is reliable, trustworthy, and persistent.

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The extent to which the employee makes decisions which are sound. Ability to base decisions on fact rather than emotion.

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Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.

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____	Cooperative, very willing to cooperate and get along.	6-5-4
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ATTENDANCE
Faithfulness in coming to work daily and conforming to scheduled work hours.

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____	Lax in attendance and/or reporting on time, improvement needed to meet required standards.	3-2
____	Often absent without sufficient reason and/or frequently reports to work late or leaves early.	1

Section II

(Complete for Supervisory Personnel only)

PLANNING AND ORGANIZING
The ability to analyze work, set goals, develop plans for action, utilize time. Consider amount of supervision required and extent to which you can trust employee to carry out assignments conscientiously.

____	Exceptionally good planning and organizing skills. Always carries out assignments conscientiously.	9-8-7
____	Above average planing and organizing. Occasionally requires assistance.	6-5-4
____	Room for improvement. Frequently requires assistance.	3-2
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DIRECTING AND CONTROLLING
The ability to create a motivating climate, achieve teamwork, train and develop, measure work in progress, take corrective action.

____	Makes a good leader, others look up to this employee. Very motivated.	9-8-7
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DECISION MAKING
The ability to make decisions and the quality and timeliness of those decisions.

____	Exceptional decision making abilities, always in a timely matter.	9-8-7
____	Average. Usually makes sound and timely decisions.	6-5-4
____	Needs to improve decision making and/or timeliness of decisions.	3-2
____	Unacceptable decisions and/or timeliness.	1

Section III

APPRAISER COMMENTS

Noteworthy strong areas of present performance:
Matt is very organized and self motivated

Areas requiring improvement in job performance:

What has the employee done to improve performance from the previous review?

Developmental Plans & Goals:
Management Training

Overall Performance Rating (*cumulative*): 64 Divided by 8 (or 11): 8
Circle one category below:

1	2-3	4-5-6	7-8-9
Marginal	**Needs Improvement**	**Fully Satisfactory**	**Highly Commendable**

HIGHLY COMMENDABLE (9-8-7)
Usually outstanding performance. Consistently generates results above those expected of the position with significant contributions to objectives of the department, division, group, or company. Contributes in a superior manner to innovations both technical and functional.
FULLY SATISFACTORY (6-5-4)
Good performance with incumbent fulfilling all position requirements and may, on occasion, generate results above those expected of the position.
NEEDS IMPROVEMENT (3-2)
Performance leaves room for improvement. This performance level may be the result of new or inexperienced incumbent on the job or an incumbent not responding favorably to instruction.
MARGINAL (1)
Lowest performance level which is clearly less than acceptable, and which is obviously well below minimum position requirements. Situation requires immediate review and action. Possible separation or reassignment is in order without significant and immediate performance improvement.

Date discussed with employee 4-28-14 Jason Sundheim 4-24-14
Supervisor's Signature *Date*

Section IV

EMPLOYEE COMMENTS

1. What comments, ideas, or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

   a) the City?

   b) your department?

   c) you?

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

Employee Signature 4/28/14 *Date*

Section V

DEPARTMENT HEAD REVIEW

Date discussed with Supervisor:_____

Department Head Comments & Recommendations:

_____

_____

_____

_____

☒ APPROVE NEXT STEP INCREASE

☐ DENY STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Chief [illegible] 4-29-14

Department Head Approval Date

Section VI

HUMAN RESOURCE DIRECTOR REVIEW

_____

_____

_____

Gretchen Guettler 4-29-14

Human Resource ~~Director~~ Generalist Approval Date

City of Minot

Employee Performance Appraisal

EMPLOYEE NAME: Matthew McLeod DEPT: Police

POSITION TITLE: Police Sergeant

DATE HIRED: _____ DATE APPOINTED TO POSITION: 3-30-14 (3 Month)

Section I

JOB KNOWLEDGE
Knowledge of policies and procedures; OR knowledge of techniques, skills, equipment, procedures, and materials.

7	Very well informed, seldom requires assistance and instruction. Has thorough grasp of all phases of job.	9-8-7
____	Satisfactory job knowledge, understands and performs most phases of job well, occasionally requires assistance or instruction.	6-5-4
____	Limited knowledge of job, further training required, frequently requires assistance or instruction.	3-2
____	Lacks knowledge to perform job properly.	1

QUALITY OF WORK
Freedom from errors and mistakes. Accuracy, quality of work in general.

8	Quality above average with very few errors and mistakes. High quality of work.	9-8-7
____	Quality very satisfactory, usually produces error free work.	6-5-4
____	Room for improvement, frequent errors, work requires checking & re-doing.	3-2
____	Excessive errors and mistakes, very poor quality.	1

QUANTITY OF WORK
Work output of the employee.

7	High volume producer. Produces more than most, above average.	9-8-7
____	Handles a satisfactory volume of work, occasionally does more than is required.	6-5-4
____	Barely acceptable, low output, below average.	3-2
____	Extremely low output, not acceptable.	1

RELIABILITY

The extent to which the employee can be depended upon to be available for work, do it properly, and complete it on time. The degree to which the employee is reliable, trustworthy, and persistent.

9	Very reliable, above average, highly persistent in spite of difficulties.	9-8-7
____	Usually gets the job done on time, very persistent, works well under pressure.	6-5-4
____	Sometimes unreliable, will avoid responsibility, satisfied to do the bare minimum.	3-2
____	Usually unreliable, does not accept responsibility, gives up easily.	1

INITIATIVE AND CREATIVITY

The ability to plan work and to go ahead with a task without being told every detail, and the ability to make constructive suggestions.

7	Very persistent, frequently makes suggestions for improvement. Anticipates needed actions, proceeds on own with little or no direction, progressive.	9-8-7
____	Usually a self starter, very good performance, shows initiative in completing tasks.	6-5-4
____	Does not proceed on own, waits for direction, routine worker.	3-2
____	Lacks initiative, less than satisfactory performance.	1

JUDGEMENT

The extent to which the employee makes decisions which are sound. Ability to base decisions on fact rather than emotion.

8	Uses exceptionally good judgement when analyzing facts and solving problems, thinking is very mature and sound.	9-8-7
____	Above average judgement. Handles most situations very well and makes sound decisions under normal circumstances.	6-5-4
____	Uses questionable judgement at times, room for improvement.	3-2
____	Uses poor judgement when dealing with people and situations.	1

COOPERATION

Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.

8	Very cooperative, stimulates teamwork and good attitude in others.	9-8-7
____	Cooperative, very willing to cooperate and get along.	6-5-4
____	Indifferent, makes little effort to cooperate or is disruptive to the overall group or department.	3-2
____	Negative and hard to get along with.	1

ATTENDANCE
Faithfulness in coming to work daily and conforming to scheduled work hours.

9	Very prompt and regular in attendance, above average, pre-planned absences. Absent only in rare emergency	9-8-7
____	Usually present and on time, normally pre-planned absences.	6-5-4
____	Lax in attendance and/or reporting on time, improvement needed to meet required standards.	3-2
____	Often absent without sufficient reason and/or frequently reports to work late or leaves early.	1

Section II

(Complete for Supervisory Personnel only)

PLANNING AND ORGANIZING
The ability to analyze work, set goals, develop plans for action, utilize time. Consider amount of supervision required and extent to which you can trust employee to carry out assignments conscientiously.

7	Exceptionally good planning and organizing skills. Always carries out assignments conscientiously.	9-8-7
____	Above average planing and organizing. Occasionally requires assistance.	6-5-4
____	Room for improvement. Frequently requires assistance.	3-2
____	Unacceptable planning and organizing skills.	1

DIRECTING AND CONTROLLING
The ability to create a motivating climate, achieve teamwork, train and develop, measure work in progress, take corrective action.

9	Makes a good leader, others look up to this employee. Very motivated.	9-8-7
____	Above average. Sometimes needs to be reminded of leadership role.	6-5-4
____	Needs to improve motivational and teamwork skills.	3-2
____	Unacceptable directing and controlling skills.	1

DECISION MAKING
The ability to make decisions and the quality and timeliness of those decisions.

8	Exceptional decision making abilities, always in a timely matter.	9-8-7
____	Average. Usually makes sound and timely decisions.	6-5-4
____	Needs to improve decision making and/or timeliness of decisions.	3-2
____	Unacceptable decisions and/or timeliness.	1

Section III

APPRAISER COMMENTS

Noteworthy strong areas of present performance:

Mclead is doing a good job, he is catching on to his new position well

Areas requiring improvement in job performance:

Continue to learn the position of records Sergeant

What has the employee done to improve performance from the previous review?

This is his first Apprisal as a Sergeant

Developmental Plans & Goals:

Supervisory training, Mclead his good leadership skills, training should help him further develop

Overall Performance Rating (*cumulative*): 62 Divided by 8 (or 11): 7.75

Circle one category below:

1	2-3	4-5-6	7-8-9
Marginal	**Needs Improvement**	**Fully Satisfactory**	**Highly Commendable**

HIGHLY COMMENDABLE (9-8-7)
Usually outstanding performance. Consistently generates results above those expected of the position with significant contributions to objectives of the department, division, group, or company. Contributes in a superior manner to innovations both technical and functional.

FULLY SATISFACTORY (6-5-4)
Good performance with incumbent fulfilling all position requirements and may, on occasion, generate results above those expected of the position.

NEEDS IMPROVEMENT (3-2)
Performance leaves room for improvement. This performance level may be the result of new or inexperienced incumbent on the job or an incumbent not responding favorably to instruction.

MARGINAL (1)
Lowest performance level which is clearly less than acceptable, and which is obviously well below minimum position requirements. Situation requires immediate review and action. Possible separation or reassignment is in order without significant and immediate performance improvement.

Date discussed with employee 8/6/14 — *Supervisor's Signature* — *Date* 8/6/14

Section IV

EMPLOYEE COMMENTS

1. What comments, ideas, or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

   a) the City?

   b) your department?

   c) you?

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

8/5/14

Employee Signature *Date*

Section V

DEPARTMENT HEAD REVIEW

Date discussed with Supervisor:_____

Department Head Comments & Recommendations:

_____

_____

_____

_____

☑ APPROVE NEXT STEP INCREASE

☐ DENY STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Chief Jason Ell 8-11-14

Department Head Approval Date

Section VI

HUMAN RESOURCE DIRECTOR REVIEW

_____

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_____

Human Resource Director Approval Date

City of Minot

Employee Performance Appraisal

EMPLOYEE NAME: Matthew McLeod DEPT: Police

POSITION TITLE: Police Sergeant

DATE HIRED: _____ DATE APPOINTED TO POSITION: 3/30/14 (6 month)

Section I

JOB KNOWLEDGE

Knowledge of policies and procedures; OR knowledge of techniques, skills, equipment, procedures, and materials.

7	Very well informed, seldom requires assistance and instruction. Has thorough grasp of all phases of job.	9-8-7
____	Satisfactory job knowledge, understands and performs most phases of job well, occasionally requires assistance or instruction.	6-5-4
____	Limited knowledge of job, further training required, frequently requires assistance or instruction.	3-2
____	Lacks knowledge to perform job properly.	1

QUALITY OF WORK

Freedom from errors and mistakes. Accuracy, quality of work in general.

6	Quality above average with very few errors and mistakes. High quality of work.	9-8-7
____	Quality very satisfactory, usually produces error free work.	6-5-4
____	Room for improvement, frequent errors, work requires checking & re-doing.	3-2
____	Excessive errors and mistakes, very poor quality.	1

QUANTITY OF WORK

Work output of the employee.

7	High volume producer. Produces more than most, above average.	9-8-7
____	Handles a satisfactory volume of work, occasionally does more than is required.	6-5-4
____	Barely acceptable, low output, below average.	3-2
____	Extremely low output, not acceptable.	1

RELIABILITY

The extent to which the employee can be depended upon to be available for work, do it properly, and complete it on time. The degree to which the employee is reliable, trustworthy, and persistent.

9	Very reliable, above average, highly persistent in spite of difficulties.	9-8-7
____	Usually gets the job done on time, very persistent, works well under pressure.	6-5-4
____	Sometimes unreliable, will avoid responsibility, satisfied to do the bare minimum.	3-2
____	Usually unreliable, does not accept responsibility, gives up easily.	1

INITIATIVE AND CREATIVITY

The ability to plan work and to go ahead with a task without being told every detail, and the ability to make constructive suggestions.

7	Very persistent, frequently makes suggestions for improvement. Anticipates needed actions, proceeds on own with little or no direction, progressive.	9-8-7
____	Usually a self starter, very good performance, shows initiative in completing tasks.	6-5-4
____	Does not proceed on own, waits for direction, routine worker.	3-2
____	Lacks initiative, less than satisfactory performance.	1

JUDGEMENT

The extent to which the employee makes decisions which are sound. Ability to base decisions on fact rather than emotion.

8	Uses exceptionally good judgement when analyzing facts and solving problems, thinking is very mature and sound.	9-8-7
____	Above average judgement. Handles most situations very well and makes sound decisions under normal circumstances.	6-5-4
____	Uses questionable judgement at times, room for improvement.	3-2
____	Uses poor judgement when dealing with people and situations.	1

COOPERATION

Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.

9	Very cooperative, stimulates teamwork and good attitude in others.	9-8-7
____	Cooperative, very willing to cooperate and get along.	6-5-4
____	Indifferent, makes little effort to cooperate or is disruptive to the overall group or department.	3-2
____	Negative and hard to get along with.	1

ATTENDANCE
Faithfulness in coming to work daily and conforming to scheduled work hours.

9	Very prompt and regular in attendance, above average, pre-planned absences. Absent only in rare emergency	9-8-7
____	Usually present and on time, normally pre-planned absences.	6-5-4
____	Lax in attendance and/or reporting on time, improvement needed to meet required standards.	3-2
____	Often absent without sufficient reason and/or frequently reports to work late or leaves early.	1

Section II

(Complete for Supervisory Personnel only)

PLANNING AND ORGANIZING
The ability to analyze work, set goals, develop plans for action, utilize time. Consider amount of supervision required and extent to which you can trust employee to carry out assignments conscientiously.

7	Exceptionally good planning and organizing skills. Always carries out assignments conscientiously.	9-8-7
____	Above average planing and organizing. Occasionally requires assistance.	6-5-4
____	Room for improvement. Frequently requires assistance.	3-2
____	Unacceptable planning and organizing skills.	1

DIRECTING AND CONTROLLING
The ability to create a motivating climate, achieve teamwork, train and develop, measure work in progress, take corrective action.

8	Makes a good leader, others look up to this employee. Very motivated.	9-8-7
____	Above average. Sometimes needs to be reminded of leadership role.	6-5-4
____	Needs to improve motivational and teamwork skills.	3-2
____	Unacceptable directing and controlling skills.	1

DECISION MAKING
The ability to make decisions and the quality and timeliness of those decisions.

6	Exceptional decision making abilities, always in a timely matter.	9-8-7
____	Average. Usually makes sound and timely decisions.	6-5-4
____	Needs to improve decision making and/or timeliness of decisions.	3-2
____	Unacceptable decisions and/or timeliness.	1

Section III

APPRAISER COMMENTS

Noteworthy strong areas of present performance:

Mcleod is doing a good job managing records and its personnel.

Areas requiring improvement in job performance:

What has the employee done to improve performance from the previous review?

He has applied for Managing Property & Evidence Room training

Developmental Plans & Goals:

Attend the above training, take some leadership training to prepare for future advancement

Overall Performance Rating (*cumulative*): 86 Divided by 8 (or 11): 7.8

Circle one category below:

1	2-3	4-5-6	7-8-9
Marginal	**Needs Improvement**	**Fully Satisfactory**	**Highly Commendable**

HIGHLY COMMENDABLE (9-8-7)
Usually outstanding performance. Consistently generates results above those expected of the position with significant contributions to objectives of the department, division, group, or company. Contributes in a superior manner to innovations both technical and functional.

FULLY SATISFACTORY (6-5-4)
Good performance with incumbent fulfilling all position requirements and may, on occasion, generate results above those expected of the position.

NEEDS IMPROVEMENT (3-2)
Performance leaves room for improvement. This performance level may be the result of new or inexperienced incumbent on the job or an incumbent not responding favorably to instruction.

MARGINAL (1)
Lowest performance level which is clearly less than acceptable, and which is obviously well below minimum position requirements. Situation requires immediate review and action. Possible separation or reassignment is in order without significant and immediate performance improvement.

Date discussed with employee 9-4-14 D. [signature]

Supervisor's Signature *Date*

Section IV

EMPLOYEE COMMENTS

1. What comments, ideas, or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

   a) the City?

   b) your department?

   c) you?

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

Employee Signature *Date* 9/24/14

Section V

DEPARTMENT HEAD REVIEW

Date discussed with Supervisor:_____

Department Head Comments & Recommendations:

_____

_____

_____

_____

☐ APPROVE NEXT STEP INCREASE 6 month eval

☐ DENY STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Chief Josendale 9-5-14

Department Head Approval Date

Section VI

HUMAN RESOURCE DIRECTOR REVIEW

_____

_____

_____

_____

Human Resource Director Approval Date

MINOT CIVIL SERVICE COMMISSION

CERTIFICATION FOR PROBATIONARY APPOINTMENT

Date March 24, 2014 Date of Interviews March 17, 2014

The following applicants are hereby certified eligible for provisional appointment to the civil service position of Police Sergeant .

Maggie Tygart
Shannon Lackey
✓Matthew McLeod

Lisa Jundt .
Clerk of Commission

---------- **Route to Department** ----------

From the above eligible applicants, I recommend the provisional employee appointment of

Matthew McLeod

(Name of Candidate)

to the position of Police Sergeant **in the** Police Department effective March 30, 2014 at the starting salary of $_____/month.

(Range 57 & Step _____.)

[signature] .
Department Head

---------- **Route to Human Resources** ----------

Approved: Lisa Jundt, Human Resource Department.

---------- **Route to City Manager** ----------

From the above recommendation, I make the probationary employee appointment effective as requested. The probationary period for this position is 12 months, with possible extension not to exceed eighteen (18) months, based upon performance.

[signature] .
City Manager

City of Minot

Employee Performance Appraisal

EMPLOYEE NAME: MATTHEW MCLEOD DEPT: Police Department

POSITION TITLE: POLICE OFFICER, SENIOR

DATE HIRED: 6/10/2002 DATE APPOINTED TO POSITION: _____

Section I

JOB KNOWLEDGE
Knowledge of policies and procedures; OR knowledge of techniques, skills, equipment, procedures, and materials.

7	Very well informed, seldom requires assistance and instruction. Has thorough grasp of all phases of job.	9-8-7
___	Satisfactory job knowledge, understands and performs most phases of job well, occasionally requires assistance or instruction.	6-5-4
___	Limited knowledge of job, further training required, frequently requires assistance or instruction.	3-2
___	Lacks knowledge to perform job properly.	1

QUALITY OF WORK
Freedom from errors and mistakes. Accuracy, quality of work in general.

7	Quality above average with very few errors and mistakes. High quality of work.	9-8-7
___	Quality very satisfactory, usually produces error free work.	6-5-4
___	Room for improvement, frequent errors, work requires checking & re-doing.	3-2
___	Excessive errors and mistakes, very poor quality.	1

QUANTITY OF WORK
Work output of the employee.

7	High volume producer. Produces more than most, above average.	9-8-7
___	Handles a satisfactory volume of work, occasionally does more than is required.	6-5-4
___	Barely acceptable, low output, below average.	3-2
___	Extremely low output, not acceptable.	1

RELIABILITY

The extent to which the employee can be depended upon to be available for work, do it properly, and complete it on time. The degree to which the employee is reliable, trustworthy, and persistent.

7	Very reliable, above average, highly persistent in spite of difficulties.	9-8-7
____	Usually gets the job done on time, very persistent, works well under pressure.	6-5-4
____	Sometimes unreliable, will avoid responsibility, satisfied to do the bare minimum.	3-2
____	Usually unreliable, does not accept responsibility, gives up easily.	1

INITIATIVE AND CREATIVITY

The ability to plan work and to go ahead with a task without being told every detail, and the ability to make constructive suggestions.

7	Very persistent, frequently makes suggestions for improvement. Anticipates needed actions, proceeds on own with little or no direction, progressive.	9-8-7
____	Usually a self starter, very good performance, shows initiative in completing tasks.	6-5-4
____	Does not proceed on own, waits for direction, routine worker.	3-2
____	Lacks initiative, less than satisfactory performance.	1

JUDGEMENT

The extent to which the employee makes decisions which are sound. Ability to base decisions on fact rather than emotion.

7	Uses exceptionally good judgement when analyzing facts and solving problems, thinking is very mature and sound.	9-8-7
____	Above average judgement. Handles most situations very well and makes sound decisions under normal circumstances.	6-5-4
____	Uses questionable judgement at times, room for improvement.	3-2
____	Uses poor judgement when dealing with people and situations.	1

COOPERATION

Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.

7	Very cooperative, stimulates teamwork and good attitude in others.	9-8-7
____	Cooperative, very willing to cooperate and get along.	6-5-4
____	Indifferent, makes little effort to cooperate or is disruptive to the overall group or department.	3-2
____	Negative and hard to get along with.	1

ATTENDANCE
Faithfulness in coming to work daily and conforming to scheduled work hours.

7	Very prompt and regular in attendance, above average, pre-planned absences. Absent only in rare emergency	9-8-7
____	Usually present and on time, normally pre-planned absences.	6-5-4
____	Lax in attendance and/or reporting on time, improvement needed to meet required standards.	3-2
____	Often absent without sufficient reason and/or frequently reports to work late or leaves early.	1

Section II

(Complete for Supervisory Personnel only)

PLANNING AND ORGANIZING
The ability to analyze work, set goals, develop plans for action, utilize time. Consider amount of supervision required and extent to which you can trust employee to carry out assignments conscientiously.

____	Exceptionally good planning and organizing skills. Always carries out assignments conscientiously.	9-8-7
____	Above average planing and organizing. Occasionally requires assistance.	6-5-4
____	Room for improvement. Frequently requires assistance.	3-2
____	Unacceptable planning and organizing skills.	1

DIRECTING AND CONTROLLING
The ability to create a motivating climate, achieve teamwork, train and develop, measure work in progress, take corrective action.

____	Makes a good leader, others look up to this employee. Very motivated.	9-8-7
____	Above average. Sometimes needs to be reminded of leadership role.	6-5-4
____	Needs to improve motivational and teamwork skills.	3-2
____	Unacceptable directing and controlling skills.	1

DECISION MAKING
The ability to make decisions and the quality and timeliness of those decisions.

____	Exceptional decision making abilities, always in a timely matter.	9-8-7
____	Average. Usually makes sound and timely decisions.	6-5-4
____	Needs to improve decision making and/or timeliness of decisions.	3-2
____	Unacceptable decisions and/or timeliness.	1

Section III

APPRAISER COMMENTS

Noteworthy strong areas of present performance:

Matt has good work ethics and is constantly learning as a new investigator.

Areas requiring improvement in job performance:

What has the employee done to improve performance from the previous review?

Matt has attended schools to improve his knowledge base.

Developmental Plans & Goals:

Any investigations school

Overall Performance Rating (*cumulative*): 56 Divided by 8 (or 11): 7

Circle one category below:

1	2-3	4-5-6	7-8-9
Marginal	**Needs Improvement**	**Fully Satisfactory**	**Highly Commendable**

HIGHLY COMMENDABLE (9-8-7)
Usually outstanding performance. Consistently generates results above those expected of the position with significant contributions to objectives of the department, division, group, or company. Contributes in a superior manner to innovations both technical and functional.

FULLY SATISFACTORY (6-5-4)
Good performance with incumbent fulfilling all position requirements and may, on occasion, generate results above those expected of the position.

NEEDS IMPROVEMENT (3-2)
Performance leaves room for improvement. This performance level may be the result of new or inexperienced incumbent on the job or an incumbent not responding favorably to instruction.

MARGINAL (1)
Lowest performance level which is clearly less than acceptable, and which is obviously well below minimum position requirements. Situation requires immediate review and action. Possible separation or reassignment is in order without significant and immediate performance improvement.

Date discussed with employee 12-16-11

Supervisor's Signature 12-15-11
Supervisor's Signature *Date*

Section IV

EMPLOYEE COMMENTS

1. What comments, ideas, or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

   a) the City? CITY NEEDS TO SEE EMPLOYEES AS A VALUBLE LIFELONG INVESTMENT INSTEAD OF A TEMPORARY BAND-AID

   b) your department? A RE-EVALUATION OF INVESTIGATIONS PROCEDURES, AND PROTOCOL IS NEEDED DUE TO GROWTH OF CITY AND CASE LOAD

   c) you?

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

Employee Signature 12/16/11 *Date*

Section V

DEPARTMENT HEAD REVIEW

Date discussed with Supervisor: 1/4/2012

Department Head Comments & Recommendations:

☒ APPROVE NEXT STEP INCREASE

☐ DENY STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Chris R [illegible] — 1/4/2012

Department Head Approval — Date

Section VI

HUMAN RESOURCE DIRECTOR REVIEW

Katy Sobolik — 1/9/12

Human Resource Director Approval — Date

City of Minot

Employee Performance Appraisal

EMPLOYEE NAME: MATTHEW MCLEOD DEPT: POLICE DEPT

POSITION TITLE: POLICE OFFICER, SENIOR

DATE HIRED: 6/10/2 DATE APPOINTED TO POSITION: _____

Section I

JOB KNOWLEDGE
Knowledge of policies and procedures; OR knowledge of techniques, skills, equipment, procedures, and materials.

9	Very well informed, seldom requires assistance and instruction. Has thorough grasp of all phases of job.	9-8-7
____	Satisfactory job knowledge, understands and performs most phases of job well, occasionally requires assistance or instruction.	6-5-4
____	Limited knowledge of job, further training required, frequently requires assistance or instruction.	3-2
____	Lacks knowledge to perform job properly.	1

QUALITY OF WORK
Freedom from errors and mistakes. Accuracy, quality of work in general.

9	Quality above average with very few errors and mistakes. High quality of work.	9-8-7
____	Quality very satisfactory, usually produces error free work.	6-5-4
____	Room for improvement, frequent errors, work requires checking & re-doing.	3-2
____	Excessive errors and mistakes, very poor quality.	1

QUANTITY OF WORK
Work output of the employee.

7	High volume producer. Produces more than most, above average.	9-8-7
____	Handles a satisfactory volume of work, occasionally does more than is required.	6-5-4
____	Barely acceptable, low output, below average.	3-2
____	Extremely low output, not acceptable.	1

RELIABILITY

The extent to which the employee can be depended upon to be available for work, do it properly, and complete it on time. The degree to which the employee is reliable, trustworthy, and persistent.

8	Very reliable, above average, highly persistent in spite of difficulties.	9-8-7
____	Usually gets the job done on time, very persistent, works well under pressure.	6-5-4
____	Sometimes unreliable, will avoid responsibility, satisfied to do the bare minimum.	3-2
____	Usually unreliable, does not accept responsibility, gives up easily.	1

INITIATIVE AND CREATIVITY

The ability to plan work and to go ahead with a task without being told every detail, and the ability to make constructive suggestions.

8	Very persistent, frequently makes suggestions for improvement. Anticipates needed actions, proceeds on own with little or no direction, progressive.	9-8-7
____	Usually a self starter, very good performance, shows initiative in completing tasks.	6-5-4
____	Does not proceed on own, waits for direction, routine worker.	3-2
____	Lacks initiative, less than satisfactory performance.	1

JUDGEMENT

The extent to which the employee makes decisions which are sound. Ability to base decisions on fact rather than emotion.

8	Uses exceptionally good judgement when analyzing facts and solving problems, thinking is very mature and sound.	9-8-7
____	Above average judgement. Handles most situations very well and makes sound decisions under normal circumstances.	6-5-4
____	Uses questionable judgement at times, room for improvement.	3-2
____	Uses poor judgement when dealing with people and situations.	1

COOPERATION

Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.

8	Very cooperative, stimulates teamwork and good attitude in others.	9-8-7
____	Cooperative, very willing to cooperate and get along.	6-5-4
____	Indifferent, makes little effort to cooperate or is disruptive to the overall group or department.	3-2
____	Negative and hard to get along with.	1

ATTENDANCE
Faithfulness in coming to work daily and conforming to scheduled work hours.

9	Very prompt and regular in attendance, above average, pre-planned absences. Absent only in rare emergency	9-8-7
____	Usually present and on time, normally pre-planned absences.	6-5-4
____	Lax in attendance and/or reporting on time, improvement needed to meet required standards.	3-2
____	Often absent without sufficient reason and/or frequently reports to work late or leaves early.	1

Section II

(Complete for Supervisory Personnel only)

PLANNING AND ORGANIZING
The ability to analyze work, set goals, develop plans for action, utilize time. Consider amount of supervision required and extent to which you can trust employee to carry out assignments conscientiously.

____	Exceptionally good planning and organizing skills. Always carries out assignments conscientiously.	9-8-7
____	Above average planing and organizing. Occasionally requires assistance.	6-5-4
____	Room for improvement. Frequently requires assistance.	3-2
____	Unacceptable planning and organizing skills.	1

DIRECTING AND CONTROLLING
The ability to create a motivating climate, achieve teamwork, train and develop, measure work in progress, take corrective action.

____	Makes a good leader, others look up to this employee. Very motivated.	9-8-7
____	Above average. Sometimes needs to be reminded of leadership role.	6-5-4
____	Needs to improve motivational and teamwork skills.	3-2
____	Unacceptable directing and controlling skills.	1

DECISION MAKING
The ability to make decisions and the quality and timeliness of those decisions.

____	Exceptional decision making abilities, always in a timely matter.	9-8-7
____	Average. Usually makes sound and timely decisions.	6-5-4
____	Needs to improve decision making and/or timeliness of decisions.	3-2
____	Unacceptable decisions and/or timeliness.	1

Section III

APPRAISER COMMENTS

Noteworthy strong areas of present performance:
Matt makes good decisions and handles calls for service well. He has been very involved on SWAT and the Taser training, policy and maintainance.

Areas requiring improvement in job performance:
Matt could improve her level of traffic enforcement.

What has the employee done to improve performance from the previous review?
Matt continues to seek out training opportunities and pushes for continued training on patrol.

Developmental Plans & Goals:
Attend supervision schools when available.

Overall Performance Rating (*cumulative*): 66 Divided by 8 (or 11): 8.25

Circle one category below:

1	2-3	4-5-6	7-8-9
Marginal	**Needs Improvement**	**Fully Satisfactory**	**Highly Commendable**

HIGHLY COMMENDABLE (9-8-7)
Usually outstanding performance. Consistently generates results above those expected of the position with significant contributions to objectives of the department, division, group, or company. Contributes in a superior manner to innovations both technical and functional.

FULLY SATISFACTORY (6-5-4)
Good performance with incumbent fulfilling all position requirements and may, on occasion, generate results above those expected of the position.

NEEDS IMPROVEMENT (3-2)
Performance leaves room for improvement. This performance level may be the result of new or inexperienced incumbent on the job or an incumbent not responding favorably to instruction.

MARGINAL (1)
Lowest performance level which is clearly less than acceptable, and which is obviously well below minimum position requirements. Situation requires immediate review and action. Possible separation or reassignment is in order without significant and immediate performance improvement.

Date discussed with employee 2-17-10

Jason Olson 202 1-28-10
Supervisor's Signature *Date*

Capt. Kephart 2-18-10

Section IV

EMPLOYEE COMMENTS

1. What comments, ideas, or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

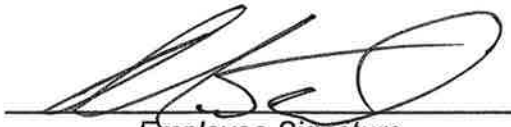
   a) the City?

   b) your department?

   c) you?

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:



Employee Signature

2-17-10

Date

Section V

DEPARTMENT HEAD REVIEW

Date discussed with Supervisor: 2/18/2010

Department Head Comments & Recommendations:

☒ APPROVE NEXT STEP INCREASE

☐ DENY STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Department Head Approval — Date: 2/18/2010

Section VI

HUMAN RESOURCE DIRECTOR REVIEW

Human Resource Director Approval — Date: 3-22-10

City of Minot

Employee Performance Appraisal

EMPLOYEE NAME: MATTHEW MCLEOD DEPT: POLICE DEPARTMENT

POSITION TITLE: POLICE OFFICER, SENIOR

DATE HIRED: 6/10/2 DATE APPOINTED TO POSITION: _____

Section I

JOB KNOWLEDGE
Knowledge of policies and procedures; OR knowledge of techniques, skills, equipment, procedures, and materials.

8	Very well informed, seldom requires assistance and instruction. Has thorough grasp of all phases of job.	9-8-7
____	Satisfactory job knowledge, understands and performs most phases of job well, occasionally requires assistance or instruction.	6-5-4
____	Limited knowledge of job, further training required, frequently requires assistance or instruction.	3-2
____	Lacks knowledge to perform job properly.	1

QUALITY OF WORK
Freedom from errors and mistakes. Accuracy, quality of work in general.

9	Quality above average with very few errors and mistakes. High quality of work.	9-8-7
____	Quality very satisfactory, usually produces error free work.	6-5-4
____	Room for improvement, frequent errors, work requires checking & re-doing.	3-2
____	Excessive errors and mistakes, very poor quality.	1

QUANTITY OF WORK
Work output of the employee.

7	High volume producer. Produces more than most, above average.	9-8-7
____	Handles a satisfactory volume of work, occasionally does more than is required.	6-5-4
____	Barely acceptable, low output, below average.	3-2
____	Extremely low output, not acceptable.	1

RELIABILITY

The extent to which the employee can be depended upon to be available for work, do it properly, and complete it on time. The degree to which the employee is reliable, trustworthy, and persistent.

9	Very reliable, above average, highly persistent in spite of difficulties.	9-8-7
____	Usually gets the job done on time, very persistent, works well under pressure.	6-5-4
____	Sometimes unreliable, will avoid responsibility, satisfied to do the bare minimum.	3-2
____	Usually unreliable, does not accept responsibility, gives up easily.	1

INITIATIVE AND CREATIVITY

The ability to plan work and to go ahead with a task without being told every detail, and the ability to make constructive suggestions.

8	Very persistent, frequently makes suggestions for improvement. Anticipates needed actions, proceeds on own with little or no direction, progressive.	9-8-7
____	Usually a self starter, very good performance, shows initiative in completing tasks.	6-5-4
____	Does not proceed on own, waits for direction, routine worker.	3-2
____	Lacks initiative, less than satisfactory performance.	1

JUDGEMENT

The extent to which the employee makes decisions which are sound. Ability to base decisions on fact rather than emotion.

8	Uses exceptionally good judgement when analyzing facts and solving problems, thinking is very mature and sound.	9-8-7
____	Above average judgement. Handles most situations very well and makes sound decisions under normal circumstances.	6-5-4
____	Uses questionable judgement at times, room for improvement.	3-2
____	Uses poor judgement when dealing with people and situations.	1

COOPERATION

Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.

____	Very cooperative, stimulates teamwork and good attitude in others.	9-8-7
6	Cooperative, very willing to cooperate and get along.	6-5-4
____	Indifferent, makes little effort to cooperate or is disruptive to the overall group or department.	3-2
____	Negative and hard to get along with.	1

ATTENDANCE
Faithfulness in coming to work daily and conforming to scheduled work hours.

9	Very prompt and regular in attendance, above average, pre-planned absences. Absent only in rare emergency	9-8-7
____	Usually present and on time, normally pre-planned absences.	6-5-4
____	Lax in attendance and/or reporting on time, improvement needed to meet required standards.	3-2
____	Often absent without sufficient reason and/or frequently reports to work late or leaves early.	1

Section II

(Complete for Supervisory Personnel only)

PLANNING AND ORGANIZING
The ability to analyze work, set goals, develop plans for action, utilize time. Consider amount of supervision required and extent to which you can trust employee to carry out assignments conscientiously.

____	Exceptionally good planning and organizing skills. Always carries out assignments conscientiously.	9-8-7
____	Above average planing and organizing. Occasionally requires assistance.	6-5-4
____	Room for improvement. Frequently requires assistance.	3-2
____	Unacceptable planning and organizing skills.	1

DIRECTING AND CONTROLLING
The ability to create a motivating climate, achieve teamwork, train and develop, measure work in progress, take corrective action.

____	Makes a good leader, others look up to this employee. Very motivated.	9-8-7
____	Above average. Sometimes needs to be reminded of leadership role.	6-5-4
____	Needs to improve motivational and teamwork skills.	3-2
____	Unacceptable directing and controlling skills.	1

DECISION MAKING
The ability to make decisions and the quality and timeliness of those decisions.

____	Exceptional decision making abilities, always in a timely matter.	9-8-7
____	Average. Usually makes sound and timely decisions.	6-5-4
____	Needs to improve decision making and/or timeliness of decisions.	3-2
____	Unacceptable decisions and/or timeliness.	1

Section III

APPRAISER COMMENTS

Noteworthy strong areas of present performance: Matt does an excellent job being a leader in high risk incidents.
Matt does high quality work on patrol. He is very dependable and consistent. He does a lot of extra duties especially in the area of SWAT. Matt shows a lot of concern about doing a good job and wants to see progress in the dept.

Areas requiring improvement in job performance:
Matt can have a tendency to be critical of something he disagrees with which can give a negative impression of his attitude. He should try and keep this to minimum. Offer solutions along with criticism.

What has the employee done to improve performance from the previous review?
Matt has been a leader in getting the explosive breaching program going with SWAT. Matt has also been involved as a Taser instructor.

Developmental Plans & Goals:
Matt should pursue any management training opportunities to help prepare him for advancement.

Overall Performance Rating (*cumulative*): 64 Divided by 8 (or 11): 8

Circle one category below:

1	2-3	4-5-6	7-8-9
Marginal	**Needs Improvement**	**Fully Satisfactory**	**Highly Commendable**

HIGHLY COMMENDABLE (9-8-7)
Usually outstanding performance. Consistently generates results above those expected of the position with significant contributions to objectives of the department, division, group, or company. Contributes in a superior manner to innovations both technical and functional.

FULLY SATISFACTORY (6-5-4)
Good performance with incumbent fulfilling all position requirements and may, on occasion, generate results above those expected of the position.

NEEDS IMPROVEMENT (3-2)
Performance leaves room for improvement. This performance level may be the result of new or inexperienced incumbent on the job or an incumbent not responding favorably to instruction.

MARGINAL (1)
Lowest performance level which is clearly less than acceptable, and which is obviously well below minimum position requirements. Situation requires immediate review and action. Possible separation or reassignment is in order without significant and immediate performance improvement.

Date discussed with employee 2.2.09 Lt. Jason [illegible] 2.2.09
Supervisor's Signature *Date*

[6]

Section IV

EMPLOYEE COMMENTS

1. What comments, ideas, or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

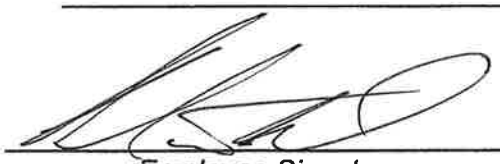
   a) the City?

   b) your department?

   c) you?

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:



2-2-09

Employee Signature *Date*

Section V

DEPARTMENT HEAD REVIEW

Date discussed with Supervisor: 2/5/09

Department Head Comments & Recommendations:

☒ APPROVE NEXT STEP INCREASE

☐ DENY STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Chris Baker — Department Head Approval

2/5/09 — Date

Section VI

HUMAN RESOURCE DIRECTOR REVIEW

Bobbie Kupluga — Human Resource Director Approval

3-9-09 — Date

JAN 0 1 2008

City of Minot

Employee Performance Appraisal

EMPLOYEE NAME: Matthew McLeod DEPT: PD

POSITION TITLE: Police Officer, Sr

DATE HIRED: 6/10/02 DATE APPOINTED TO POSITION: _____

Section I

JOB KNOWLEDGE
Knowledge of policies and procedures; OR knowledge of techniques, skills, equipment, procedures, and materials.

8	Very well informed, seldom requires assistance and instruction. Has thorough grasp of all phases of job.	9-8-7
____	Satisfactory job knowledge, understands and performs most phases of job well, occasionally requires assistance or instruction.	6-5-4
____	Limited knowledge of job, further training required, frequently requires assistance or instruction.	3-2
____	Lacks knowledge to perform job properly.	1

QUALITY OF WORK
Freedom from errors and mistakes. Accuracy, quality of work in general.

8	Quality above average with very few errors and mistakes. High quality of work.	9-8-7
____	Quality very satisfactory, usually produces error free work.	6-5-4
____	Room for improvement, frequent errors, work requires checking & re-doing.	3-2
____	Excessive errors and mistakes, very poor quality.	1

QUANTITY OF WORK
Work output of the employee.

7.5	High volume producer. Produces more than most, above average.	9-8-7
____	Handles a satisfactory volume of work, occasionally does more than is required.	6-5-4
____	Barely acceptable, low output, below average.	3-2
____	Extremely low output, not acceptable.	1

RELIABILITY

The extent to which the employee can be depended upon to be available for work, do it properly, and complete it on time. The degree to which the employee is reliable, trustworthy, and persistent.

85	Very reliable, above average, highly persistent in spite of difficulties.	9-8-7
____	Usually gets the job done on time, very persistent, works well under pressure.	6-5-4
____	Sometimes unreliable, will avoid responsibility, satisfied to do the bare minimum.	3-2
____	Usually unreliable, does not accept responsibility, gives up easily.	1

INITIATIVE AND CREATIVITY

The ability to plan work and to go ahead with a task without being told every detail, and the ability to make constructive suggestions.

8	Very persistent, frequently makes suggestions for improvement. Anticipates needed actions, proceeds on own with little or no direction, progressive.	9-8-7
____	Usually a self starter, very good performance, shows initiative in completing tasks.	6-5-4
____	Does not proceed on own, waits for direction, routine worker.	3-2
____	Lacks initiative, less than satisfactory performance.	1

JUDGEMENT

The extent to which the employee makes decisions which are sound. Ability to base decisions on fact rather than emotion.

8	Uses exceptionally good judgement when analyzing facts and solving problems, thinking is very mature and sound.	9-8-7
____	Above average judgement. Handles most situations very well and makes sound decisions under normal circumstances.	6-5-4
____	Uses questionable judgement at times, room for improvement.	3-2
____	Uses poor judgement when dealing with people and situations.	1

COOPERATION

Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.

8	Very cooperative, stimulates teamwork and good attitude in others.	9-8-7
____	Cooperative, very willing to cooperate and get along.	6-5-4
____	Indifferent, makes little effort to cooperate or is disruptive to the overall group or department.	3-2
____	Negative and hard to get along with.	1

ATTENDANCE
Faithfulness in coming to work daily and conforming to scheduled work hours.

9	Very prompt and regular in attendance, above average, pre-planned absences. Absent only in rare emergency	9-8-7
____	Usually present and on time, normally pre-planned absences.	6-5-4
____	Lax in attendance and/or reporting on time, improvement needed to meet required standards.	3-2
____	Often absent without sufficient reason and/or frequently reports to work late or leaves early.	1

Section II

(Complete for Supervisory Personnel only)

PLANNING AND ORGANIZING
The ability to analyze work, set goals, develop plans for action, utilize time. Consider amount of supervision required and extent to which you can trust employee to carry out assignments conscientiously.

____	Exceptionally good planning and organizing skills. Always carries out assignments conscientiously.	9-8-7
____	Above average planing and organizing. Occasionally requires assistance.	6-5-4
____	Room for improvement. Frequently requires assistance.	3-2
____	Unacceptable planning and organizing skills.	1

DIRECTING AND CONTROLLING
The ability to create a motivating climate, achieve teamwork, train and develop, measure work in progress, take corrective action.

____	Makes a good leader, others look up to this employee. Very motivated.	9-8-7
____	Above average. Sometimes needs to be reminded of leadership role.	6-5-4
____	Needs to improve motivational and teamwork skills.	3-2
____	Unacceptable directing and controlling skills.	1

DECISION MAKING
The ability to make decisions and the quality and timeliness of those decisions.

____	Exceptional decision making abilities, always in a timely matter.	9-8-7
____	Average. Usually makes sound and timely decisions.	6-5-4
____	Needs to improve decision making and/or timeliness of decisions.	3-2
____	Unacceptable decisions and/or timeliness.	1

Section III

APPRAISER COMMENTS

Noteworthy strong areas of present performance:

Officer McLeod is a good steady performer. He is a good trainer. He works to manage & maintain the equipment for the Radar Patrol & monitors and maintains equipment for the MPD Taser Program.

Areas requiring improvement in job performance:

Goals noted.

What has the employee done to improve performance from the previous review?

Officer McLeod works continually to increase his base of knowledge and skills.

Developmental Plans & Goals:

Officer McLeod should continue to seek out training opportunities in applied patrol techniques and basic management & leadership topics

Overall Performance Rating (*cumulative*): 65 Divided by 8 (or 11): 8.1

Circle one category below:

1	2-3	4-5-6	7-8-9
Marginal	**Needs Improvement**	**Fully Satisfactory**	**Highly Commendable**

HIGHLY COMMENDABLE (9-8-7)
Usually outstanding performance. Consistently generates results above those expected of the position with significant contributions to objectives of the department, division, group, or company. Contributes in a superior manner to innovations both technical and functional.

FULLY SATISFACTORY (6-5-4)
Good performance with incumbent fulfilling all position requirements and may, on occasion, generate results above those expected of the position.

NEEDS IMPROVEMENT (3-2)
Performance leaves room for improvement. This performance level may be the result of new or inexperienced incumbent on the job or an incumbent not responding favorably to instruction.

MARGINAL (1)
Lowest performance level which is clearly less than acceptable, and which is obviously well below minimum position requirements. Situation requires immediate review and action. Possible separation or reassignment is in order without significant and immediate performance improvement.

Date discussed with employee _____

_____ 2-12-08
Supervisor's Signature *Date*

Section IV

EMPLOYEE COMMENTS

1. What comments, ideas, or suggestions would you add to your review?

_____

_____

_____

1. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

_____

_____

_____

2. What can be done to better serve the customers/citizens of Minot by:

   a) the City?

   _____

   _____

   b) your department?

   _____

   _____

   c) you?

   _____

   _____

3. What can your supervisor do to help you reach your professional potential?

_____

_____

_____

4. Other questions/comments:

_____

_____

_____

Employee Signature 2/12/08 *Date*

Section V

DEPARTMENT HEAD REVIEW

Date discussed with Supervisor: 2/13/08

Department Head Comments & Recommendations:

☒ APPROVE NEXT STEP INCREASE

☐ DENY STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Chris Bakken — Department Head Approval

2/13/08 — Date

Section VI

HUMAN RESOURCE DIRECTOR REVIEW

Bobbi Applequist — Human Resource Director Approval

2-15-08 — Date

City of Minot

Employee Performance Appraisal

EMPLOYEE NAME: Matthew McLeod DEPT: PD

POSITION TITLE: Police Officer, Senior

DATE HIRED:_____ DATE APPOINTED TO POSITION:_____

Section I

JOB KNOWLEDGE

Knowledge of policies and procedures; OR knowledge of techniques, skills, equipment, procedures, and materials.

8	Very well informed, seldom requires assistance and instruction. Has thorough grasp of all phases of job.	9-8-7
____	Satisfactory job knowledge, understands and performs most phases of job well, occasionally requires assistance or instruction.	6-5-4
____	Limited knowledge of job, further training required, frequently requires assistance or instruction.	3-2
____	Lacks knowledge to perform job properly.	1

QUALITY OF WORK

Freedom from errors and mistakes. Accuracy, quality of work in general.

8	Quality above average with very few errors and mistakes. High quality of work.	9-8-7
____	Quality very satisfactory, usually produces error free work.	6-5-4
____	Room for improvement, frequent errors, work requires checking & re-doing.	3-2
____	Excessive errors and mistakes, very poor quality.	1

QUANTITY OF WORK

Work output of the employee.

7	High volume producer. Produces more than most, above average.	9-8-7
____	Handles a satisfactory volume of work, occasionally does more than is required.	6-5-4
____	Barely acceptable, low output, below average.	3-2
____	Extremely low output, not acceptable.	1

RELIABILITY

The extent to which the employee can be depended upon to be available for work, do it properly, and complete it on time. The degree to which the employee is reliable, trustworthy, and persistent.

8	Very reliable, above average, highly persistent in spite of difficulties.	9-8-7
____	Usually gets the job done on time, very persistent, works well under pressure.	6-5-4
____	Sometimes unreliable, will avoid responsibility, satisfied to do the bare minimum.	3-2
____	Usually unreliable, does not accept responsibility, gives up easily.	1

INITIATIVE AND CREATIVITY

The ability to plan work and to go ahead with a task without being told every detail, and the ability to make constructive suggestions.

8	Very persistent, frequently makes suggestions for improvement. Anticipates needed actions, proceeds on own with little or no direction, progressive.	9-8-7
____	Usually a self starter, very good performance, shows initiative in completing tasks.	6-5-4
____	Does not proceed on own, waits for direction, routine worker.	3-2
____	Lacks initiative, less than satisfactory performance.	1

JUDGEMENT

The extent to which the employee makes decisions which are sound. Ability to base decisions on fact rather than emotion.

8	Uses exceptionally good judgement when analyzing facts and solving problems, thinking is very mature and sound.	9-8-7
____	Above average judgement. Handles most situations very well and makes sound decisions under normal circumstances.	6-5-4
____	Uses questionable judgement at times, room for improvement.	3-2
____	Uses poor judgement when dealing with people and situations.	1

COOPERATION

Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.

8	Very cooperative, stimulates teamwork and good attitude in others.	9-8-7
____	Cooperative, very willing to cooperate and get along.	6-5-4
____	Indifferent, makes little effort to cooperate or is disruptive to the overall group or department.	3-2
____	Negative and hard to get along with.	1

ATTENDANCE
Faithfulness in coming to work daily and conforming to scheduled work hours.

9	Very prompt and regular in attendance, above average, pre-planned absences. Absent only in rare emergency	9-8-7
____	Usually present and on time, normally pre-planned absences.	6-5-4
____	Lax in attendance and/or reporting on time, improvement needed to meet required standards.	3-2
____	Often absent without sufficient reason and/or frequently reports to work late or leaves early.	1

Section II

(Complete for Supervisory Personnel only)

PLANNING AND ORGANIZING
The ability to analyze work, set goals, develop plans for action, utilize time. Consider amount of supervision required and extent to which you can trust employee to carry out assignments conscientiously.

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____	Room for improvement. Frequently requires assistance.	3-2
____	Unacceptable planning and organizing skills.	1

DIRECTING AND CONTROLLING
The ability to create a motivating climate, achieve teamwork, train and develop, measure work in progress, take corrective action.

____	Makes a good leader, others look up to this employee. Very motivated.	9-8-7
____	Above average. Sometimes needs to be reminded of leadership role.	6-5-4
____	Needs to improve motivational and teamwork skills.	3-2
____	Unacceptable directing and controlling skills.	1

DECISION MAKING
The ability to make decisions and the quality and timeliness of those decisions.

____	Exceptional decision making abilities, always in a timely matter.	9-8-7
____	Average. Usually makes sound and timely decisions.	6-5-4
____	Needs to improve decision making and/or timeliness of decisions.	3-2
____	Unacceptable decisions and/or timeliness.	1

Section III

APPRAISER COMMENTS

Noteworthy strong areas of present performance:

Officer McLeod is a strong, steady performer. He has strong operational and tactical skills. His background and training make him an excellent patrol officer. He has worked with the administration to implement new crosswalks for the distribution and maintenance of tasers. His participation and experience with Bike Patrol and SWAT make him an asset to both the shift and the department.

Areas requiring improvement in job performance:

None Noted

What has the employee done to improve performance from the previous review?

Officer McLeod asks questions for clarification and does independent research to broaden his knowledge and experience. He readily accepts suggestions and recommendations.

Developmental Plans & Goals:

Officer McLeod should seek out opportunities for training in advanced applied areas of law for procurement, management and supervision to capitalize on his natural leadership abilities in preparation for upcoming promotional opportunities.

Overall Performance Rating (*cumulative*): 64 Divided by 8 (or 11): 8

Circle one category below:

1	2-3	4-5-6	7-8-9
Marginal	**Needs Improvement**	**Fully Satisfactory**	**Highly Commendable**

HIGHLY COMMENDABLE (9-8-7)
Usually outstanding performance. Consistently generates results above those expected of the position with significant contributions to objectives of the department, division, group, or company. Contributes in a superior manner to innovations both technical and functional.

FULLY SATISFACTORY (6-5-4)
Good performance with incumbent fulfilling all position requirements and may, on occasion, generate results above those expected of the position.

NEEDS IMPROVEMENT (3-2)
Performance leaves room for improvement. This performance level may be the result of new or inexperienced incumbent on the job or an incumbent not responding favorably to instruction.

MARGINAL (1)
Lowest performance level which is clearly less than acceptable, and which is obviously well below minimum position requirements. Situation requires immediate review and action. Possible separation or reassignment is in order without significant and immediate performance improvement.

Date discussed with employee 2-20-07

Supervisor's Signature Capt. Hanson — Date 2/12/07

Section IV

EMPLOYEE COMMENTS

1. What comments, ideas, or suggestions would you add to your review?

1. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

2. What can be done to better serve the customers/citizens of Minot by:

   a) the City?

   b) your department?

   c) you?

3. What can your supervisor do to help you reach your professional potential?

4. Other questions/comments:

2/20/07

Employee Signature *Date*

Section V

DEPARTMENT HEAD REVIEW

Date discussed with Supervisor: 2/26/07

Department Head Comments & Recommendations:

☒ APPROVE NEXT STEP INCREASE

☐ DENY STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Chief R [signature] 2/26/07

Department Head Approval — Date

Section VI

HUMAN RESOURCE DIRECTOR REVIEW

Debbie Mayhugh 2-28-07

Human Resource Director Approval — Date

JAN 01 2006

City of Minot

Employee Performance Appraisal

EMPLOYEE NAME: Matthew McLeod DEPT: Police

POSITION TITLE: Police Officer

DATE HIRED: _____ DATE APPOINTED TO POSITION: _____

Section I

JOB KNOWLEDGE

Knowledge of policies and procedures; OR knowledge of techniques, skills, equipment, procedures, and materials.

8	Very well informed, seldom requires assistance and instruction. Has thorough grasp of all phases of job.	9-8-7
____	Satisfactory job knowledge, understands and performs most phases of job well, occasionally requires assistance or instruction.	6-5-4
____	Limited knowledge of job, further training required, frequently requires assistance or instruction.	3-2
____	Lacks knowledge to perform job properly.	1

QUALITY OF WORK

Freedom from errors and mistakes. Accuracy, quality of work in general.

8	Quality above average with very few errors and mistakes. High quality of work.	9-8-7
____	Quality very satisfactory, usually produces error free work.	6-5-4
____	Room for improvement, frequent errors, work requires checking & re-doing.	3-2
____	Excessive errors and mistakes, very poor quality.	1

QUANTITY OF WORK

Work output of the employee.

____	High volume producer. Produces more than most, above average.	9-8-7
6	Handles a satisfactory volume of work, occasionally does more than is required.	6-5-4
____	Barely acceptable, low output, below average.	3-2
____	Extremely low output, not acceptable.	1

RELIABILITY

The extent to which the employee can be depended upon to be available for work, do it properly, and complete it on time. The degree to which the employee is reliable, trustworthy, and persistent.

8	Very reliable, above average, highly persistent in spite of difficulties.	9-8-7
____	Usually gets the job done on time, very persistent, works well under pressure.	6-5-4
____	Sometimes unreliable, will avoid responsibility, satisfied to do the bare minimum.	3-2
____	Usually unreliable, does not accept responsibility, gives up easily.	1

INITIATIVE AND CREATIVITY

The ability to plan work and to go ahead with a task without being told every detail, and the ability to make constructive suggestions.

8	Very persistent, frequently makes suggestions for improvement. Anticipates needed actions, proceeds on own with little or no direction, progressive.	9-8-7
____	Usually a self starter, very good performance, shows initiative in completing tasks.	6-5-4
____	Does not proceed on own, waits for direction, routine worker.	3-2
____	Lacks initiative, less than satisfactory performance.	1

JUDGEMENT

The extent to which the employee makes decisions which are sound. Ability to base decisions on fact rather than emotion.

8	Uses exceptionally good judgement when analyzing facts and solving problems, thinking is very mature and sound.	9-8-7
____	Above average judgement. Handles most situations very well and makes sound decisions under normal circumstances.	6-5-4
____	Uses questionable judgement at times, room for improvement.	3-2
____	Uses poor judgement when dealing with people and situations.	1

COOPERATION

Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.

____	Very cooperative, stimulates teamwork and good attitude in others.	9-8-7
6	Cooperative, very willing to cooperate and get along.	6-5-4
____	Indifferent, makes little effort to cooperate or is disruptive to the overall group or department.	3-2
____	Negative and hard to get along with.	1

ATTENDANCE
Faithfulness in coming to work daily and conforming to scheduled work hours.

9	Very prompt and regular in attendance, above average, pre-planned absences. Absent only in rare emergency	9-8-7
____	Usually present and on time, normally pre-planned absences.	6-5-4
____	Lax in attendance and/or reporting on time, improvement needed to meet required standards.	3-2
____	Often absent without sufficient reason and/or frequently reports to work late or leaves early.	1

Section II

(Complete for Supervisory Personnel only)

PLANNING AND ORGANIZING
The ability to analyze work, set goals, develop plans for action, utilize time. Consider amount of supervision required and extent to which you can trust employee to carry out assignments conscientiously.

____	Exceptionally good planning and organizing skills. Always carries out assignments conscientiously.	9-8-7
____	Above average planing and organizing. Occasionally requires assistance.	6-5-4
____	Room for improvement. Frequently requires assistance.	3-2
____	Unacceptable planning and organizing skills.	1

DIRECTING AND CONTROLLING
The ability to create a motivating climate, achieve teamwork, train and develop, measure work in progress, take corrective action.

____	Makes a good leader, others look up to this employee. Very motivated.	9-8-7
____	Above average. Sometimes needs to be reminded of leadership role.	6-5-4
____	Needs to improve motivational and teamwork skills.	3-2
____	Unacceptable directing and controlling skills.	1

DECISION MAKING
The ability to make decisions and the quality and timeliness of those decisions.

____	Exceptional decision making abilities, always in a timely matter.	9-8-7
____	Average. Usually makes sound and timely decisions.	6-5-4
____	Needs to improve decision making and/or timeliness of decisions.	3-2
____	Unacceptable decisions and/or timeliness.	1

Section III

APPRAISER COMMENTS

Noteworthy strong areas of present performance:

OFFICER McLEOD HAS A BROAD BASE OF KNOWLEDGE AND PRACTICAL EXPERIENCE. HE SHOWS STRONG NATURAL LEADERSHIP TRAITS AND IS RESPECTED BY HIS PEERS. HE IS A KEY MEMBER OF THE BIKE PATROL, A MEMBER OF THE SWAT TEAM AND A PPCT INSTRUCTOR.

Areas requiring improvement in job performance:

What has the employee done to improve performance from the previous review?

OFFICER McLEOD HAS CONTINUED HIS WORK WITH THE SWAT AND BICYCLE TEAMS.

Developmental Plans & Goals:

FTO SCHOOL. LEADERSHIP AND MANAGEMENT SCHOOLS

Overall Performance Rating (*cumulative*): 61 Divided by 8 (or 11): 7.625

Circle one category below:

1	2-3	4-5-6	7-8-9
Marginal	**Needs Improvement**	**Fully Satisfactory**	**Highly Commendable**

HIGHLY COMMENDABLE (9-8-7)
Usually outstanding performance. Consistently generates results above those expected of the position with significant contributions to objectives of the department, division, group, or company. Contributes in a superior manner to innovations both technical and functional.

FULLY SATISFACTORY (6-5-4)
Good performance with incumbent fulfilling all position requirements and may, on occasion, generate results above those expected of the position.

NEEDS IMPROVEMENT (3-2)
Performance leaves room for improvement. This performance level may be the result of new or inexperienced incumbent on the job or an incumbent not responding favorably to instruction.

MARGINAL (1)
Lowest performance level which is clearly less than acceptable, and which is obviously well below minimum position requirements. Situation requires immediate review and action. Possible separation or reassignment is in order without significant and immediate performance improvement.

Date discussed with employee 01/03/06

Sgt. Redding 3rd 01/03/06
Supervisor's Signature *Date*

Capt. 1/3/06

Section IV

EMPLOYEE COMMENTS

1. What comments, ideas, or suggestions would you add to your review?

   GIVE UP ON SENDING ME TO FTO SCHOOL

1. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

2. What can be done to better serve the customers/citizens of Minot by:

   a) the City?

   b) your department?

   c) you?

3. What can your supervisor do to help you reach your professional potential?

4. Other questions/comments:

Employee Signature

1/3/20

Date

Section V

DEPARTMENT HEAD REVIEW

Date discussed with Supervisor: 01-03-06

Department Head Comments & Recommendations:

☒ APPROVE NEXT STEP INCREASE

☐ DENY STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Department Head Approval — Date 01-03-06

Section VI

HUMAN RESOURCE DIRECTOR REVIEW

Human Resource Director Approval — Date 1-13-06

To: Chief Draovitch 04\19\05
From: Sgt. Redding
Ref: Letter of Commendation

This letter is to congratulate several Officers on a job well done.

At about 0530 hours on 04/02/05, Officers were dispatched to 400 18th Ave. SE, to the report of two white males going through vehicles in the parking lot. Several Officers responded initially, and Officers Lewellyn and McLeod were the first to come into the area.

They both began to talk to one another while they were en route, and this appeared to make a great difference in the final outcome.

Officer Lewellyn began to direct other officers into what he thought were the right places, while he and Officer McLeod both went in to the area on foot. Lewellyn then made visual contact with the suspects, and he directed Officers Fisher and Sandusky into place in the case that this incident turned into a foot chase. Officer Lewellyn continued to keep the other involved officers informed of the suspect's location and direction of travel. When he decided to attempt to make contact, he informed the other Officers of his intentions.

This incident did turn into a foot pursuit, but with the outstanding prior planning and communication, the pursuit lasted less than a block. Both the suspects were apprehended a short distance from where it all began.

I would like to congratulate Officer Lewellyn on this fine piece of Police work. I believe that without the control and communication the outcome may have been much different.

The follow-up to this apprehension brings more outstanding police work. There were several vehicles that appeared to be broken into in the parking lot of the Manor Apartments. Officers searched the area, and eventually found some property that had been dumped by the suspects in the area.

This was not good enough for Officer McLeod. Even though there were several cases closed on that night and early morning, Officer McLeod went beyond what the average Officer would have on the next night.

When Officer McLeod came to work, he informed me that he was going to scour the area and see if he could locate a vehicle that the suspects may have driven to the area. He ran alpha checks on both of the suspects and found three vehicles that they could have driven to the area. He then scoured the area of the auto burglaries, and after quite some time, located one of their vehicles parked about 3 blocks away. He contacted me immediately, and we ended up impounding the vehicle and ultimately closing several more auto burglaries.

Officer Lewellyn and Officer McLeod both exhibited outstanding judgement, maturity and tenacity in every aspect of this incident, and I believe that they each deserve, at a minimum, a hearty "Attaboy" for their efforts.

I request that a copy of this letter be placed in each of their permanent files.

Thank you for your consideration in this matter.

Sergeant Scot D. Redding 312

Sgt. Redding 312

Cc: Captain Balentine
Lieutenant Smith
Sergeant Whitesell

JAN 2005

City of Minot

Employee Performance Appraisal

EMPLOYEE NAME: McLeod, Matthew DEPT: Police

POSITION TITLE: Police Officer

DATE HIRED: _____ DATE APPOINTED TO POSITION: _____

Section I

JOB KNOWLEDGE
Knowledge of policies and procedures; OR knowledge of techniques, skills, equipment, procedures, and materials.

8	Very well informed, seldom requires assistance and instruction. Has thorough grasp of all phases of job.	9-(8)-7
____	Satisfactory job knowledge, understands and performs most phases of job well, occasionally requires assistance or instruction.	6-5-4
____	Limited knowledge of job, further training required, frequently requires assistance or instruction.	3-2
____	Lacks knowledge to perform job properly.	1

QUALITY OF WORK
Freedom from errors and mistakes. Accuracy, quality of work in general.

8	Quality above average with very few errors and mistakes. High quality of work.	9-(8)-7
____	Quality very satisfactory, usually produces error free work.	6-5-4
____	Room for improvement, frequent errors, work requires checking & re-doing.	3-2
____	Excessive errors and mistakes, very poor quality.	1

QUANTITY OF WORK
Work output of the employee.

____	High volume producer. Produces more than most, above average.	9-8-7
6	Handles a satisfactory volume of work, occasionally does more than is required.	(6)-5-4
____	Barely acceptable, low output, below average.	3-2
____	Extremely low output, not acceptable.	1

RELIABILITY
The extent to which the employee can be depended upon to be available for work, do it properly, and complete it on time. The degree to which the employee is reliable, trustworthy, and persistent.

8	Very reliable, above average, highly persistent in spite of difficulties.	9-(8)-7
____	Usually gets the job done on time, very persistent, works well under pressure.	6-5-4
____	Sometimes unreliable, will avoid responsibility, satisfied to do the bare minimum.	3-2
____	Usually unreliable, does not accept responsibility, gives up easily.	1

INITIATIVE AND CREATIVITY
The ability to plan work and to go ahead with a task without being told every detail, and the ability to make constructive suggestions.

8	Very persistent, frequently makes suggestions for improvement. Anticipates needed actions, proceeds on own with little or no direction, progressive.	9-(8)-7
____	Usually a self starter, very good performance, shows initiative in completing tasks.	6-5-4
____	Does not proceed on own, waits for direction, routine worker.	3-2
____	Lacks initiative, less than satisfactory performance.	1

JUDGEMENT
The extent to which the employee makes decisions which are sound. Ability to base decisions on fact rather than emotion.

8	Uses exceptionally good judgement when analyzing facts and solving problems, thinking is very mature and sound.	9-(8)-7
____	Above average judgement. Handles most situations very well and makes sound decisions under normal circumstances.	6-5-4
____	Uses questionable judgement at times, room for improvement.	3-2
____	Uses poor judgement when dealing with people and situations.	1

COOPERATION
Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.

____	Very cooperative, stimulates teamwork and good attitude in others.	9-8-7
6	Cooperative, very willing to cooperate and get along.	6-5-4
____	Indifferent, makes little effort to cooperate or is disruptive to the overall group or department.	3-2
____	Negative and hard to get along with.	1

ATTENDANCE
Faithfulness in coming to work daily and conforming to scheduled work hours.

9	Very prompt and regular in attendance, above average, pre-planned absences. Absent only in rare emergency	9-8-7
____	Usually present and on time, normally pre-planned absences.	6-5-4
____	Lax in attendance and/or reporting on time, improvement needed to meet required standards.	3-2
____	Often absent without sufficient reason and/or frequently reports to work late or leaves early.	1

Section II

(Complete for Supervisory Personnel only)

PLANNING AND ORGANIZING
The ability to analyze work, set goals, develop plans for action, utilize time. Consider amount of supervision required and extent to which you can trust employee to carry out assignments conscientiously.

____	Exceptionally good planning and organizing skills. Always carries out assignments conscientiously.	9-8-7
____	Above average planing and organizing. Occasionally requires assistance.	6-5-4
____	Room for improvement. Frequently requires assistance.	3-2
____	Unacceptable planning and organizing skills.	1

DIRECTING AND CONTROLLING
The ability to create a motivating climate, achieve teamwork, train and develop, measure work in progress, take corrective action.

____	Makes a good leader, others look up to this employee. Very motivated.	9-8-7
____	Above average. Sometimes needs to be reminded of leadership role.	6-5-4
____	Needs to improve motivational and teamwork skills.	3-2
____	Unacceptable directing and controlling skills.	1

DECISION MAKING
The ability to make decisions and the quality and timeliness of those decisions.

____	Exceptional decision making abilities, always in a timely matter.	9-8-7
____	Average. Usually makes sound and timely decisions.	6-5-4
____	Needs to improve decision making and/or timeliness of decisions.	3-2
____	Unacceptable decisions and/or timeliness.	1

Section III

APPRAISER COMMENTS

Noteworthy strong areas of present performance:

OFFICER MCLEOD POSSESSES A STRONG LEVEL OF JOB KNOWLEDGE and APPLICATION OF ORDINANCES and STATUTES. HE DEMONSTRATES AGGRESSIVE PATROL TACTICS and ENFORCEMENT. HIS PRIOR EXPERIENCES MANIFESTED DAILY IN HIS WORK PERFORMANCE. OFFICER McLEOD HAS ALSO DONE SOME WORK AS AN FTO And IS A PPCT INSTRUCTOR

Areas requiring improvement in job performance:

NONE NOTED

What has the employee done to improve performance from the previous review?

OFFICER McLEOD TESTED FOR and WAS ACCEPTED by MPD SWAT TEAM. HE HELPED DEVELOP SOP FOR BIKE PATROL and MANAGED THE BIKE PATROL IN THE ABSENCE OF Sgt FEGGE and Sgt REDDING.

Developmental Plans & Goals:

FTO School & LEADERSHIP and MANAGEMENT SCHOOLS

Overall Performance Rating (*cumulative*): 61 Divided by 8 (or 11): 7.625

Circle one category below:

1	2-3	4-5-6	(7)8-9
Marginal	**Needs Improvement**	**Fully Satisfactory**	**Highly Commendable**

HIGHLY COMMENDABLE (9-8-7)
Usually outstanding performance. Consistently generates results above those expected of the position with significant contributions to objectives of the department, division, group, or company. Contributes in a superior manner to innovations both technical and functional.

FULLY SATISFACTORY (6-5-4)
Good performance with incumbent fulfilling all position requirements and may, on occasion, generate results above those expected of the position.

NEEDS IMPROVEMENT (3-2)
Performance leaves room for improvement. This performance level may be the result of new or inexperienced incumbent on the job or an incumbent not responding favorably to instruction.

MARGINAL (1)
Lowest performance level which is clearly less than acceptable, and which is obviously well below minimum position requirements. Situation requires immediate review and action. Possible separation or reassignment is in order without significant and immediate performance improvement.

Date discussed with employee 2-10-05

2-8-05
Supervisor's Signature *Date*

Capt. 2/11/05

Section IV

EMPLOYEE COMMENTS

1. What comments, ideas, or suggestions would you add to your review?

1. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

2. What can be done to better serve the customers/citizens of Minot by:

   a) the City?

   b) your department?

   c) you?

3. What can your supervisor do to help you reach your professional potential?

4. Other questions/comments:

2/10/05

Employee Signature *Date*

Section V

DEPARTMENT HEAD REVIEW

Date discussed with Supervisor: 02-14-05

Department Head Comments & Recommendations:

☒ APPROVE NEXT STEP INCREASE

☐ DENY STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Department Head Approval — Date 02-14-05

Section VI

HUMAN RESOURCE DIRECTOR REVIEW

Human Resource Director Approval — Date 2-17-05

FEB 2 2004

City of Minot

Employee Performance Appraisal

EMPLOYEE NAME: McLeod MATT DEPT: Police

POSITION TITLE: Police Officer

DATE HIRED: _____ DATE APPOINTED TO POSITION: _____

Section I

JOB KNOWLEDGE
Knowledge of policies and procedures; OR knowledge of techniques, skills, equipment, procedures, and materials.

7	Very well informed, seldom requires assistance and instruction. Has thorough grasp of all phases of job.	9-8(7)
____	Satisfactory job knowledge, understands and performs most phases of job well, occasionally requires assistance or instruction.	6-5-4
____	Limited knowledge of job, further training required, frequently requires assistance or instruction.	3-2
____	Lacks knowledge to perform job properly.	1

QUALITY OF WORK
Freedom from errors and mistakes. Accuracy, quality of work in general.

7	Quality above average with very few errors and mistakes. High quality of work.	9-8(7)
____	Quality very satisfactory, usually produces error free work.	6-5-4
____	Room for improvement, frequent errors, work requires checking & re-doing.	3-2
____	Excessive errors and mistakes, very poor quality.	1

QUANTITY OF WORK
Work output of the employee.

6	High volume producer. Produces more than most, above average.	9-8-7
____	Handles a satisfactory volume of work, occasionally does more than is required.	(6)-5-4
____	Barely acceptable, low output, below average.	3-2
____	Extremely low output, not acceptable.	1

RELIABILITY

The extent to which the employee can be depended upon to be available for work, do it properly, and complete it on time. The degree to which the employee is reliable, trustworthy, and persistent.

8	Very reliable, above average, highly persistent in spite of difficulties.	9-(8)-7
____	Usually gets the job done on time, very persistent, works well under pressure.	6-5-4
____	Sometimes unreliable, will avoid responsibility, satisfied to do the bare minimum.	3-2
____	Usually unreliable, does not accept responsibility, gives up easily.	1

INITIATIVE AND CREATIVITY

The ability to plan work and to go ahead with a task without being told every detail, and the ability to make constructive suggestions.

7	Very persistent, frequently makes suggestions for improvement. Anticipates needed actions, proceeds on own with little or no direction, progressive.	9-8-(7)
____	Usually a self starter, very good performance, shows initiative in completing tasks.	6-5-4
____	Does not proceed on own, waits for direction, routine worker.	3-2
____	Lacks initiative, less than satisfactory performance.	1

JUDGEMENT

The extent to which the employee makes decisions which are sound. Ability to base decisions on fact rather than emotion.

____	Uses exceptionally good judgement when analyzing facts and solving problems, thinking is very mature and sound.	9-8-7
6	Above average judgement. Handles most situations very well and makes sound decisions under normal circumstances.	(6)-5-4
____	Uses questionable judgement at times, room for improvement.	3-2
____	Uses poor judgement when dealing with people and situations.	1

COOPERATION

Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.

7	Very cooperative, stimulates teamwork and good attitude in others.	9-8-(7)
____	Cooperative, very willing to cooperate and get along.	6-5-4
____	Indifferent, makes little effort to cooperate or is disruptive to the overall group or department.	3-2
____	Negative and hard to get along with.	1

ATTENDANCE
Faithfulness in coming to work daily and conforming to scheduled work hours.

9	Very prompt and regular in attendance, above average, pre-planned absences. Absent only in rare emergency	(9)-8-7
____	Usually present and on time, normally pre-planned absences.	6-5-4
____	Lax in attendance and/or reporting on time, improvement needed to meet required standards.	3-2
____	Often absent without sufficient reason and/or frequently reports to work late or leaves early.	1

Section II

(Complete for Supervisory Personnel only)

PLANNING AND ORGANIZING
The ability to analyze work, set goals, develop plans for action, utilize time. Consider amount of supervision required and extent to which you can trust employee to carry out assignments conscientiously.

____	Exceptionally good planning and organizing skills. Always carries out assignments conscientiously.	9-8-7
____	Above average planing and organizing. Occasionally requires assistance.	6-5-4
____	Room for improvement. Frequently requires assistance.	3-2
____	Unacceptable planning and organizing skills.	1

DIRECTING AND CONTROLLING
The ability to create a motivating climate, achieve teamwork, train and develop, measure work in progress, take corrective action.

____	Makes a good leader, others look up to this employee. Very motivated.	9-8-7
____	Above average. Sometimes needs to be reminded of leadership role.	6-5-4
____	Needs to improve motivational and teamwork skills.	3-2
____	Unacceptable directing and controlling skills.	1

DECISION MAKING
The ability to make decisions and the quality and timeliness of those decisions.

____	Exceptional decision making abilities, always in a timely matter.	9-8-7
____	Average. Usually makes sound and timely decisions.	6-5-4
____	Needs to improve decision making and/or timeliness of decisions.	3-2
____	Unacceptable decisions and/or timeliness.	1

Section III

APPRAISER COMMENTS

Noteworthy strong areas of present performance:

OFFICER McLeod PREVIOUS EXPERIENCE SHOWS IN LEVEL OF JOB KNOWLEDGE AND HIS ABILITY TO INTERACT WITH A WIDE VARIETY OF PEOPLE. HE POSSESSES VERY GOOD COMMAND PRESENCE AND IS CONFIDENT IN HANDLING ANY SITUATION.

Areas requiring improvement in job performance:

IS SOMETIMES DIFFICULT TO UNDERSTAND ON THE RADIO.

What has the employee done to improve performance from the previous review?

MATT HAS DEVELOPED AND PRESENTED A PPCT COURSE FOR PATROL OFFICERS HE DEMONSTRATES NATURAL LEADERSHIP TRAITS AND HAS EXPRESSED A DESIRE TO DO MORE TRAINING.

Developmental Plans & Goals:

MATT'S JOB KNOWLEDGE, OFFICER SAFETY SKILLS AND INSTRUCTOR EXPERIENCE WILL MAKE HIM A GOOD CANDIDATE FOR A FUTURE FTO AND SWAT TEAM MEMBER. HIS PEOPLE HANDLING SKILL ALSO INDICATE A POTENTIAL AS A SUPERVISOR AND INVESTIGATOR

Overall Performance Rating (*cumulative*): 57 Divided by 8 (or 11): 7.1

Circle one category below:

1	2-3	4-5-6	7-8-9
Marginal	**Needs Improvement**	**Fully Satisfactory**	**Highly Commendable**

HIGHLY COMMENDABLE (9-8-7)
Usually outstanding performance. Consistently generates results above those expected of the position with significant contributions to objectives of the department, division, group, or company. Contributes in a superior manner to innovations both technical and functional.

FULLY SATISFACTORY (6-5-4)
Good performance with incumbent fulfilling all position requirements and may, on occasion, generate results above those expected of the position.

NEEDS IMPROVEMENT (3-2)
Performance leaves room for improvement. This performance level may be the result of new or inexperienced incumbent on the job or an incumbent not responding favorably to instruction.

MARGINAL (1)
Lowest performance level which is clearly less than acceptable, and which is obviously well below minimum position requirements. Situation requires immediate review and action. Possible separation or reassignment is in order without significant and immediate performance improvement.

Date discussed with employee 3-3-04 — *Supervisor's Signature* — 2-26-04 *Date*

Cont. R

Section IV

EMPLOYEE COMMENTS

1. What comments, ideas, or suggestions would you add to your review?

1. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

PROVIDE OFFICERS A SALARY PACKAGE AT LEAST CLOSE TO THE NATIONAL AVERAGE.

2. What can be done to better serve the customers/citizens of Minot by:

   a) the City?

   b) your department?

   c) you?

3. What can your supervisor do to help you reach your professional potential?

MAKE SURE TO STAY IN TOUCH WITH OFFICERS TO ENSURE THEIR PARTICULAR CAREER PATH IS BEING FOLLOWED

4. Other questions/comments:

Employee Signature

3-3-04
Date

Section V

DEPARTMENT HEAD REVIEW

Date discussed with Supervisor: 03-11-04

Department Head Comments & Recommendations:

Matt is a very Capable and Knowledgeable officer. His experience with Grand Forks PD is a great asset to us.

☒ APPROVE NEXT STEP INCREASE

☐ DENY STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Department Head Approval [signature] Date 03-11-04

Section VI

HUMAN RESOURCE DIRECTOR REVIEW

[signature] 3-25-04

Human Resource Director Approval Date

EMPLOYEE PROGRESS APPRAISAL FORM

How to Make an Employee Progress Appraisal

How can you make sure that your employees receive a fair wage that accurately reflects their contribution to the company? This has never been an easy task, largely because of its subjective nature.

Without a uniform standard, pay rates may be set arbitrarily, with little or no supporting evidence. This can leave both the supervisor and the company open to charges of unfairness from angry employees who feel they've been shortchanged.

The *Employee Progress Appraisal Form* has been designed with this in mind. It provides you not only with a means of measuring employee performance and contribution more accurately, but also with a permanent printed record that can be kept on file and used to chart individual employees' progress. In these times of proliferating government regulations, it's a form no employer should be without.

Filling Out the Chart

Inside this booklet, you will find a chart listing 12 characteristics, each with five behavior statements. Carefully read through each statement and check the box of the one that most closely approximates the behavior of the employee you are evaluating. Cross out any word or words in the box that don't apply.

Make sure you can support each rating you give an employee with complete and accurate documentation of his or her performance.

This is especially important if you give someone a very high or a very low score in any category. You should also note in the "comments" section why you gave the employee an extreme rating.

After you have completed all 12 characteristics and their statements, add up the point values of the boxes you have checked and enter their sum in the Subtotal box across the page. Then add all the subtotals down the column and enter the sum in the Total Point Score box on the right side of the page. The total point score will provide you with a specific figure that you can use, together with a wage or salary scale prepared by your firm, to arrive at a fair dollar amount should a pay increase be in order.

The Human Relations Side

The *Employee Progress Appraisal Form* helps assure a fairer assessment of performance, but it also has another equally important function. It can help you coach your employees and let them know where their weak and strong points are. This is an important step in improving employee morale and attitudes. Your workers *want* to know how they are doing, and the *Employee Progress Appraisal Form* can help you discuss this with them in an objective way.

In an appraisal, your manner toward your employee is just as important as what you say. Be frank and open in your discussion. Try to present criticism constructively and listen to any disagreements your worker may have with your assessment. Show the person how to capitalize on strengths and overcome weaknesses.

Go over the appraisal form with your employee, giving him or her well-thought-out reasons for each behavior standard you have marked. At the end of the session, make sure the employee signs and dates the form in the space provided on the last page. Also allow the person to write down any comments that he or she feels should be a part of the permanent record. At the close of the interview, give the employee a copy of the completed appraisal form for his or her records.

You Can Build Goodwill

Employee performance appraisals are not only valuable as a measure of performance, they can also build goodwill in your department and the company as a whole. How you conduct them shows your workers your attitude toward them and toward the organization. A thoughtful approach lets the employee know that you are interested and need his or her cooperation, and that you will give yours in return.

The *Employee Progress Appraisal Form* can be an important tool in building the kind of unit or department that works effectively and harmoniously. It's a way to let your workers know that you have sincere interest in them and, at the same time, to build your own and your company's reputation for fairness.

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Minot Investigation CH1572

EMPLOYEE NAME	NUMBER
Mcleod Matt	
POSITION	**DEPARTMENT**
Police Officer	Police

CHARACTERISTICS	Check box that most closely describes employee being rated. Cross out any word(s			
QUALITY AND CONSISTENCY OF PERFORMANCE	Rarely meets quality and production standards. Often behind schedule. Erratic performance. [ ] 1	Frequently below quality and production standards. Usually behind schedule. Somewhat erratic performance. [ ] 2	Usually meets quality and production standards within acceptable time frame. Even performance. [X] 3	U p m ti m
JOB KNOWLEDGE	Has difficulty with present work. Would need extensive additional training to handle any related work. [ ] 1	Gets by with present work. Could handle related work with careful training. [ ] 2	Handles job satisfactorily. Has ~~basic~~ knowledge of related work. [X] 3	H al o ti
WORK ADJUSTMENT AND ADAPTABILITY	Hasn't adapted well to present job environment. Expresses strong dissatisfaction with job. Strongly resists change. [ ] 1	Uncertain adjustment to present job environment. Dissatisfied with present job. Doesn't adapt well to change. [ ] 2	Responds neutrally to job environment. Seems satisfied with present job. Indifferent to change. [ ] 3	F vi A a
COOPERATION	Very difficult to work with. Totally uncooperative. Negative attitude toward co-workers. [ ] 1	Occasionally difficult to work with. Sometimes uncooperative. Somewhat negative attitude toward co-workers. [ ] 2	Usually easy to work with. Willing to meet others halfway. Neutral attitude toward co-workers. [ ] 3	E w til
WORK EFFORT AND INITIATIVE	Makes very little effort to get work done. Refuses to make extra effort for production pushes. Constant supervision required. [ ] 1	No effort to exceed minimum production requirements. Resists putting forth extra effort. Extra supervision required. [ ] 2	Puts forth an average amount of effort. Usually willing to make extra effort when requested. Normal amount of supervision required. [X] 3	G A fc a
ATTITUDE TOWARD COMPANY AND DEPARTMENT	Very antagonistic toward authority. Almost always negative about the company and department. [ ] 1	Somewhat antagonistic toward authority. Sometimes negative about the company and department. [ ] 2	Passive about authority. Neutral toward company and department. [ ] 3	G A c
SKILL, APTITUDE, AND PROBLEM-SOLVING	Poor level of skill and performance. Difficulty in performing even routine tasks. Unable to solve work-related problems. [ ] 1	Below-average level of skill and performance. Can usually perform routine tasks. Sometimes able to solve work-related problems. [ ] 2	Average level of skill and performance. Performs routine tasks well. Usually able to solve work-related problems. [X] 3	A p ta A w
ATTENTION TO SAFETY	Almost always ignores safety rules and procedures. Needs constant reminding about safe work habits. [ ] 1	Usually ignores safety rules and procedures. Needs frequent reminding about safe work habits. [ ] 2	Sometimes ignores safety rules and procedures. Occasionally needs reminding about safe work habits. [ ] 3	R pr re h
PUNCTUALITY AND ATTENDANCE	Frequently arrives late. Chronic absenteeism. Provides no explanation. Makes no effort to improve. [ ] 1	Often arrives late. Irregular attendance. Usually has questionable explanation. Makes halfhearted effort to improve. [ ] 2	Infrequently late or absent, but there is room for improvement. Usually has good explanation. Makes an effort to improve. [ ] 3	U a p to
HANDLING CONFIDENTIAL INFORMATION	Doesn't recognize or observe the need for discretion. Almost always indiscreet. Definitely not to be trusted with confidential information. [ ] 1	Sometimes recognizes and observes the need for discretion. Usually indiscreet. Probably can't be trusted with confidential information. [ ] 2	Usually recognizes and observes the need for discretion. Usually discreet. May be trusted with less important confidential information. [X] 3	A o c P c
JUDGMENT	Unclear and imprecise reasoning. Unable to predict effects of decisions. Usually acts without considering the consequences. [ ] 1	Sometimes unclear and imprecise reasoning. Usually cannot predict effects of decisions. Often acts without considering the consequences. [ ] 2	Average reasoning abilities. Sometimes cannot predict effects of decisions. Sometimes acts without considering the consequences. [X] 3	U cl p R th
FUTURE POTENTIAL WITHIN THE COMPANY	Seems uninterested in growing beyond present job. No career initiative. Very little future potential. [ ] 1	Shows little interest in growing beyond present job. Minimal career initiative. Little future potential. [ ] 2	~~Seems neutral about growing beyond present job~~. Some career initiative. Will be able to grow beyond present level with additional training. [X] 3	E H S

Minot Investigation CH1573

ATE HIRED	FULL TIME
6/10/02	
IATE	PART TIME
	6 mon Prob. 12/10/02

nat don't apply.		Subtotal	COMMENTS
ly exceeds quality and ction standards. Work al- always completed on Steady, regular perfor- e. [ ] 4	Consistently exceeds quality and production standards ahead of schedule. Consistently superior performance. [ ] 5	3	Additional Comments: Matt is continuing to do a good job on our shift. Could use a little more work on printing clearly on his paperwork.
es job very well and has andled related work on ion. Receptive to sugges- of further training. [ ] 4	Extensive knowledge of own job and related jobs. Eager to learn more. [ ] 5	3	
ell into present job en- nent. Enjoys present job. its change with a positive le. [X] 4	Superior adaptation to job environment. Enthusiastic about present job. Welcomes and adapts easily to change. [ ] 5	4	
o work with. Cooperates ith others. Positive at- toward co-workers. [X] 4	Extremely easy to work with. Very willing to cooperate with others. Very positive attitude toward co-workers. [ ] 5	4	Extra Training Recommended: any training needed as it comes up.
effort on most jobs. s willing to make extra ef- hen requested. Minimum nt of supervision required. [ ] 4	Superior effort on all tasks. Makes extra effort on own initiative. Rarely needs direct supervision. [ ] 5	3	
attitude toward authority. t always positive about any and department. [X] 4	Excellent attitude toward authority. Always positive about company and department. [ ] 5	4	
-average level of skill and mance. Performs all easily and confidently. t always able to solve elated problems. [ ] 4	Very high level of skill and performance. Performs all tasks exceptionally well. Imaginative and resourceful in solving work-related problems. [ ] 5	3	
ignores safety rules and lures. Rarely needs ling about safe work [X] 4	Never ignores safety rules and procedures. Never needs reminding about safe work habits. [ ] 5	4	
y punctual and seldom t. Always has good ex- ion. Makes strong effort rove. [X] 4	Rarely late or absent. Explanations verify that lateness or absences were unavoidable. Very little room for improvement. [ ] 5	4	Rated by Lt Baklenko Date 1-6-03 Sgt. Keelan Reviewed by Capt. White Date 1/8/03
t always recognizes and es the need for dis- . Almost always discreet. ly can be trusted with ential information. [ ] 4	Never fails to recognize and observe the need for discretion. Always discreet. Can be trusted with all confidential information. [ ] 5	3	
y logical, clear, and con- asoning. Usually able to ects of decisions. acts without considering nsequences. [ ] 4	Logical, clear, and concise reasoning. Almost always able to predict effects of decisions. Never acts without considering the consequences. [ ] 5	3	
to learn and advance. evel of career initiative. future growth potential. [ ] 4	Very eager to learn and advance. Very high level of career initiative. Very high potential for advancement. [ ] 5	3	

Ratings		Total Point Score
55-60	Superior	41
43-54	High	
31-42	Good	
19-30	Fair	
Below 19	Poor	

Minot Investigation CH1574

Results of Appraisal

Supervisor's Report

Date discussed with employee: 1-8-03

Additional Comments: _____

This employee Progress Appraisal Form has been completed by me based on careful and objective analysis.

Lt Larry Baklenko 1-8-03
Supervisor's Signature Date

☒ APPROVE NEXT STEP INCREASE

☐ DENY NEXT STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Department Head Report

Date discussed with Supervisor: _____

Additional Comments: _____

Recommendations: _____

APPROVAL Chief Keith Bjornstad 01-24-02
Department Head's Signature Date

COMMENTS (by Personnel Director or City Manager)

APPROVAL: Bobbie Applegate
Personnel Director Date City Manager Date
1-24-03

SUPERVISOR-EMPLOYEE REVIEWAL

The completed and signed form is to be reviewed by the employee in a joint session with the Supervisors. The employee should read the evaluation and all aspects of the work situation should be discussed including employee strengths, where weaknesses may be improved upon, where problems or conflicts can be reduced or eliminated and where changes can be made in the employee's job or in a way in which it is carried out. The Supervisor-Employee review session should be also discuss employee motivation and career goals.

Employee's Report

"This performance evaluation has been reviewed with me by my supervisor and I (agree) (disagree) with it. My specific comments or objections are:

_____

_____

_____

_____

[redacted] (MCLEOD) 1/8/03
Employee's Signature Date

CIVIL SERVICE COMMISSION
CITY OF MINOT, NORTH DAKOTA

PERMANENT APPOINTMENT

I hereby certify that Matt Mcleod, who was appointed as Police Officer on 6/10/02; and further

☒ has rendered satisfactory service during the probationary period and it is requested he/she be continued in the service and accorded regular Civil Service Status effective 06/10/03.

or

☐ he/she has not rendered satisfactory service during the probationary period and it is requested he/she:

_____ released from service;

_____ have probationary period extended _____ months.

Signed: Chief Dan Donnelly
(Department Head)

Date: 06-09-03

---------- ***ROUTE TO HUMAN RESOURCE OFFICE*** ----------

Acknowledged: Roberta Rayplugh
(Human Resource Director)

Comments:

---------- ***ROUTE TO APPOINTING AUTHORITY*** ----------

I hereby approve the above as recommended.

Comments:

Signed: _____
(Appointing Authority)

Date: 6/11/03

EMPLOYEE PROGRESS APPRAISAL FORM

How to Make an Employee Progress Appraisal

How can you make sure that your employees receive a fair wage that accurately reflects their contribution to the company? This has never been an easy task, largely because of its subjective nature.

Without a uniform standard, pay rates may be set arbitrarily, with little or no supporting evidence. This can leave both the supervisor and the company open to charges of unfairness from angry employees who feel they've been shortchanged.

The *Employee Progress Appraisal Form* has been designed with this in mind. It provides you not only with a means of measuring employee performance and contribution more accurately, but also with a permanent printed record that can be kept on file and used to chart individual employees' progress. In these times of proliferating government regulations, it's a form no employer should be without.

Filling Out the Chart

Inside this booklet, you will find a chart listing 12 characteristics, each with five behavior statements. Carefully read through each statement and check the box of the one that most closely approximates the behavior of the employee you are evaluating. Cross out any word or words in the box that don't apply.

Make sure you can support each rating you give an employee with complete and accurate documentation of his or her performance.

This is especially important if you give someone a very high or a very low score in any category. You should also note in the "comments" section why you gave the employee an extreme rating.

After you have completed all 12 characteristics and their statements, add up the point values of the boxes you have checked and enter their sum in the Subtotal box across the page. Then add all the subtotals down the column and enter the sum in the Total Point Score box on the right side of the page. The total point score will provide you with a specific figure that you can use, together with a wage or salary scale prepared by your firm, to arrive at a fair dollar amount should a pay increase be in order.

The Human Relations Side

The *Employee Progress Appraisal Form* helps assure a fairer assessment of performance, but it also has another equally important function. It can help you coach your employees and let them know where their weak and strong points are. This is an important step in improving employee morale and attitudes. Your workers *want* to know how they are doing, and the *Employee Progress Appraisal Form* can help you discuss this with them in an objective way.

In an appraisal, your manner toward your employee is just as important as what you say. Be frank and open in your discussion. Try to present criticism constructively and listen to any disagreements your worker may have with your assessment. Show the person how to capitalize on strengths and overcome weaknesses.

Go over the appraisal form with your employee, giving him or her well-thought-out reasons for each behavior standard you have marked. At the end of the session, make sure the employee signs and dates the form in the space provided on the last page. Also allow the person to write down any comments that he or she feels should be a part of the permanent record. At the close of the interview, give the employee a copy of the completed appraisal form for his or her records.

You Can Build Goodwill

Employee performance appraisals are not only valuable as a measure of performance, they can also build goodwill in your department and the company as a whole. How you conduct them shows your workers your attitude toward them and toward the organization. A thoughtful approach lets the employee know that you are interested and need his or her cooperation, and that you will give yours in return.

The *Employee Progress Appraisal Form* can be an important tool in building the kind of unit or department that works effectively and harmoniously. It's a way to let your workers know that you have sincere interest in them and, at the same time, to build your own and your company's reputation for fairness.

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EMPLOYEE NAME	NUMBER
Mcleod Matt	
POSITION	**DEPARTMENT**
Police Officer	Police

CHARACTERISTICS	Check box that most closely describes employee being rated. Cross out any word(s)			
QUALITY AND CONSISTENCY OF PERFORMANCE	Rarely meets quality and production standards. Often behind schedule. Erratic performance. [ ] 1	Frequently below quality and production standards. Usually behind schedule. Somewhat erratic performance. [ ] 2	Usually meets quality and production standards within acceptable time frame. Even performance. [ ] 3	Usu pro mos tim mai
JOB KNOWLEDGE	Has difficulty with present work. Would need extensive additional training to handle any related work. [ ] 1	Gets by with present work. Could handle related work with careful training. [ ] 2	Handles job satisfactorily. Has some knowledge of related work. [X] 3	Hai als occ tior
WORK ADJUSTMENT AND ADAPTABILITY	Hasn't adapted well to present job environment. Expresses strong dissatisfaction with job. Strongly resists change. [ ] 1	Uncertain adjustment to present job environment. Dissatisfied with present job. Doesn't adapt well to change. [ ] 2	Responds neutrally to job environment. Seems satisfied with present job. Indifferent to change. [ ] 3	Fits viro Ac atti
COOPERATION	Very difficult to work with. Totally uncooperative. Negative attitude toward co-workers. [ ] 1	Occasionally difficult to work with. Sometimes uncooperative. Somewhat negative attitude toward co-workers. [ ] 2	Usually easy to work with. Willing to meet others halfway. Neutral attitude toward co-workers. [ ] 3	Eas we titu
WORK EFFORT AND INITIATIVE	Makes very little effort to get work done. Refuses to make extra effort for production pushes. Constant supervision required. [ ] 1	No effort to exceed minimum production requirements. Resists putting forth extra effort. Extra supervision required. [ ] 2	Puts forth an average amount of effort. Usually willing to make extra effort when requested. Normal amount of supervision required. [X] 3	Go Alv for an
ATTITUDE TOWARD COMPANY AND DEPARTMENT	Very antagonistic toward authority. Almost always negative about the company and department. [ ] 1	Somewhat antagonistic toward authority. Sometimes negative about the company and department. [ ] 2	Passive about authority. Neutral toward company and department. [ ] 3	Go Alı co
SKILL, APTITUDE, AND PROBLEM-SOLVING	Poor level of skill and performance. Difficulty in performing even routine tasks. Unable to solve work-related problems. [ ] 1	Below-average level of skill and performance. Can usually perform routine tasks. Sometimes able to solve work-related problems. [ ] 2	Average level of skill and performance. Performs routine tasks well. Usually able to solve work-related problems. [X] 3	At pe ta Al wo
ATTENTION TO SAFETY	Almost always ignores safety rules and procedures. Needs constant reminding about safe work habits. [ ] 1	Usually ignores safety rules and procedures. Needs frequent reminding about safe work habits. [ ] 2	Sometimes ignores safety rules and procedures. Occasionally needs reminding about safe work habits. [ ] 3	Ra pr re ha
PUNCTUALITY AND ATTENDANCE	Frequently arrives late. Chronic absenteeism. Provides no explanation. Makes no effort to improve. [ ] 1	Often arrives late. Irregular attendance. Usually has questionable explanation. Makes halfhearted effort to improve. [ ] 2	Infrequently late or absent, but there is room for improvement. Usually has good explanation. Makes an effort to improve. [ ] 3	U at pl to
HANDLING CONFIDENTIAL INFORMATION	Doesn't recognize or observe the need for discretion. Almost always indiscreet. Definitely not to be trusted with confidential information. [ ] 1	Sometimes recognizes and observes the need for discretion. Usually indiscreet. Probably can't be trusted with confidential information. [ ] 2	Usually recognizes and observes the need for discretion. Usually discreet. May be trusted with less important confidential information. [X] 3	Al ol cr P co
JUDGMENT	Unclear and imprecise reasoning. Unable to predict effects of decisions. Usually acts without considering the consequences. [ ] 1	Sometimes unclear and imprecise reasoning. Usually cannot predict effects of decisions. Often acts without considering the consequences. [ ] 2	Average reasoning abilities. Sometimes cannot predict effects of decisions. Sometimes acts without considering the consequences. [ ] 3	U ci pr R th
FUTURE POTENTIAL WITHIN THE COMPANY	Seems uninterested in growing beyond present job. No career initiative. Very little future potential. [ ] 1	Shows little interest in growing beyond present job. Minimal career initiative. Little future potential. [ ] 2	~~Seems neutral about growing beyond present job.~~ Some career initiative. Will be able to grow beyond present level with additional training. [X] 3	E- H S

Minot Investigation CH1578

6/1/03

TE HIRED 6/10/02	FULL TIME
TE	PART TIME 1 yr. appt 6/10/03

t don't apply.		Subtotal	COMMENTS
exceeds quality and on standards. Work always completed on eady, regular performance. [X] 4	Consistently exceeds quality and production standards ahead of schedule. Consistently superior performance. [ ] 5	4	Additional Comments: It is the Sgts and my feeling that officer Mc Leod be permanently appointed to the Minot Police Dept. He is doing a very Good Job!
job very well and has ndled related work on n. Receptive to suggestions further training. [ ] 4	Extensive knowledge of own job and related jobs. Eager to learn more. [ ] 5	3	
l into present job environment. Enjoys present job. change with a positive [X] 4	Superior adaptation to job environment. Enthusiastic about present job. Welcomes and adapts easily to change. [ ] 5	4	
work with. Cooperates h others. Positive attitude ward co-workers. [X] 4	Extremely easy to work with. Very willing to cooperate with others. Very positive attitude toward co-workers. [ ] 5	4	Extra Training Recommended: will be sent to PPCT Training shortly + has shown an interest in Bike Patrol
ffort on most jobs. willing to make extra effort requested. Minimum of supervision required. [ ] 4	Superior effort on all tasks. Makes extra effort on own initiative. Rarely needs direct supervision. [ ] 5	3	
ltitude toward authority. always positive about ny and department. [X] 4	Excellent attitude toward authority. Always positive about company and department. [ ] 5	4	
average level of skill and nance. Performs all easily and confidently. always able to solve lated problems. [ ] 4	Very high level of skill and performance. Performs all tasks exceptionally well. Imaginative and resourceful in solving work-related problems. [ ] 5	3	
ignores safety rules and ures. Rarely needs ng about safe work [X] 4	Never ignores safety rules and procedures. Never needs reminding about safe work habits. [ ] 5	4	
punctual and seldom . Always has good exon. Makes strong effort ove. [ ] 4	Rarely late or absent. Explanations verify that lateness or absences were unavoidable. Very little room for improvement. [X] 5	5	
always recognizes and es the need for dis- . Almost always discreet. ly can be trusted with ential information. [ ] 4	Never fails to recognize and observe the need for discretion. Always discreet. Can be trusted with all confidential information. [ ] 5	3	
logical, clear, and conasoning. Usually able to ects of decisions. acts without considering sequences. [X] 4	Logical, clear, and concise reasoning. Almost always able to predict effects of decisions. Never acts without considering the consequences. [ ] 5	4	
to learn and advance. vel of career initiative. future growth potential. [ ] 4	Very eager to learn and advance. Very high level of career initiative. Very high potential for advancement. [ ] 5	3	

Rated by Lt Baklenko Date 6-4-03
Sgt. White 6-4-03
Reviewed by Sgt. Keelan 6-4-03
Capt. B Date 6/9/03

Ratings	
55-60	Superior
43-54	High
31-42	Good
19-30	Fair
Below 19	Poor

Total Point Score

44

Doc 1008 12235

Results of Appraisal

Supervisor's Report

Date discussed with employee: 6-8-03

Additional Comments: _____

This employee Progress Appraisal Form has been completed by me based on careful and objective analysis.

Lt Larry Bakkenko 6-8-03
Supervisor's Signature Date

☒ APPROVE NEXT STEP INCREASE

☐ DENY NEXT STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Department Head Report

Date discussed with Supervisor: _____

Additional Comments: _____

Recommendations: _____

APPROVAL Chief Kim Krmbetz 06-09-03
Department Head's Signature Date

COMMENTS (by Personnel Director or City Manager)

APPROVAL: _____ _____
Personnel Director Date City Manager Date
6-10-03

SUPERVISOR-EMPLOYEE REVIEWAL

The completed and signed form is to be reviewed by the employee in a joint session with the Supervisors. The employee should read the evaluation and all aspects of the work situation should be discussed including employee strengths, where weaknesses may be improved upon, where problems or conflicts can be reduced or eliminated and where changes can be made in the employee's job or in a way in which it is carried out. The Supervisor-Employee review session should be also discuss employee motivation and career goals.

Employee's Report

"This performance evaluation has been reviewed with me by my supervisor and I (agree)(disagree) with it. My specific comments or objections are:

_____

_____

_____

_____

Employee's Signature (MCKEON) Date 6-9-03

Minot Investigation CH1580

EMPLOYEE PROGRESS APPRAISAL FORM

How to Make an Employee Progress Appraisal

How can you make sure that your employees receive a fair wage that accurately reflects their contribution to the company? This has never been an easy task, largely because of its subjective nature.

Without a uniform standard, pay rates may be set arbitrarily, with little or no supporting evidence. This can leave both the supervisor and the company open to charges of unfairness from angry employees who feel they've been shortchanged.

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Inside this booklet, you will find a chart listing 12 characteristics, each with five behavior statements. Carefully read through each statement and check the box of the one that most closely approximates the behavior of the employee you are evaluating. Cross out any word or words in the box that don't apply.

Make sure you can support each rating you give an employee with complete and accurate documentation of his or her performance.

This is especially important if you give someone a very high or a very low score in any category. You should also note in the "comments" section why you gave the employee an extreme rating.

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The Human Relations Side

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Go over the appraisal form with your employee, giving him or her well-thought-out reasons for each behavior standard you have marked. At the end of the session, make sure the employee signs and dates the form in the space provided on the last page. Also allow the person to write down any comments that he or she feels should be a part of the permanent record. At the close of the interview, give the employee a copy of the completed appraisal form for his or her records.

You Can Build Goodwill

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EMPLOYEE NAME	NUMBER
Mcleod Matt	
POSITION	**DEPARTMENT**
Police Officer	Police

CHARACTERISTICS	Check box that most closely describes employee being rated. Cross out any word(			
QUALITY AND CONSISTENCY OF PERFORMANCE	Rarely meets quality and production standards. Often behind schedule. Erratic performance. [ ] 1	Frequently below quality and production standards. Usually behind schedule. Somewhat erratic performance. [ ] 2	Usually meets quality and production standards within acceptable time frame. Even performance. [X] 3	U p m ti m
JOB KNOWLEDGE	Has difficulty with present work. Would need extensive additional training to handle any related work. [ ] 1	Gets by with present work. Could handle related work with careful training. [ ] 2	Handles job satisfactorily. Has [redacted] knowledge of related work. [X] 3	H a o ti
WORK ADJUSTMENT AND ADAPTABILITY	Hasn't adapted well to present job environment. Expresses strong dissatisfaction with job. Strongly resists change. [ ] 1	Uncertain adjustment to present job environment. Dissatisfied with present job. Doesn't adapt well to change. [ ] 2	Responds neutrally to job environment. Seems satisfied with present job. Indifferent to change. [ ] 3	F v A a
COOPERATION	Very difficult to work with. Totally uncooperative. Negative attitude toward co-workers. [ ] 1	Occasionally difficult to work with. Sometimes uncooperative. Somewhat negative attitude toward co-workers. [ ] 2	Usually easy to work with. Willing to meet others halfway. Neutral attitude toward co-workers. [ ] 3	E w ti
WORK EFFORT AND INITIATIVE	Makes very little effort to get work done. Refuses to make extra effort for production pushes. Constant supervision required. [ ] 1	No effort to exceed minimum production requirements. Resists putting forth extra effort. Extra supervision required. [ ] 2	Puts forth an average amount of effort. Usually willing to make extra effort when requested. Normal amount of supervision required. [X] 3	G A f a
ATTITUDE TOWARD COMPANY AND DEPARTMENT	Very antagonistic toward authority. Almost always negative about the company and department. [ ] 1	Somewhat antagonistic toward authority. Sometimes negative about the company and department. [ ] 2	Passive about authority. Neutral toward company and department. [ ] 3	G A c
SKILL, APTITUDE, AND PROBLEM-SOLVING	Poor level of skill and performance. Difficulty in performing even routine tasks. Unable to solve work-related problems. [ ] 1	Below-average level of skill and performance. Can usually perform routine tasks. Sometimes able to solve work-related problems. [ ] 2	Average level of skill and performance. Performs routine tasks well. Usually able to solve work-related problems. [X] 3	A p t A w
ATTENTION TO SAFETY	Almost always ignores safety rules and procedures. Needs constant reminding about safe work habits. [ ] 1	Usually ignores safety rules and procedures. Needs frequent reminding about safe work habits. [ ] 2	Sometimes ignores safety rules and procedures. Occasionally needs reminding about safe work habits. [ ] 3	R p re h
PUNCTUALITY AND ATTENDANCE	Frequently arrives late. Chronic absenteeism. Provides no explanation. Makes no effort to improve. [ ] 1	Often arrives late. Irregular attendance. Usually has questionable explanation. Makes halfhearted effort to improve. [ ] 2	Infrequently late or absent, but there is room for improvement. Usually has good explanation. Makes an effort to improve. [ ] 3	U a p t
HANDLING CONFIDENTIAL INFORMATION	Doesn't recognize or observe the need for discretion. Almost always indiscreet. Definitely not to be trusted with confidential information. [ ] 1	Sometimes recognizes and observes the need for discretion. Usually indiscreet. Probably can't be trusted with confidential information. [ ] 2	Usually recognizes and observes the need for discretion. Usually discreet. May be trusted with less important confidential information. [X] 3	A o c F c
JUDGMENT	Unclear and imprecise reasoning. Unable to predict effects of decisions. Usually acts without considering the consequences. [ ] 1	Sometimes unclear and imprecise reasoning. Usually cannot predict effects of decisions. Often acts without considering the consequences. [ ] 2	Average reasoning abilities. Sometimes cannot predict effects of decisions. Sometimes acts without considering the consequences. [X] 3	U c p F th
FUTURE POTENTIAL WITHIN THE COMPANY	Seems uninterested in growing beyond present job. No career initiative. Very little future potential. [ ] 1	Shows little interest in growing beyond present job. Minimal career initiative. Little future potential. [ ] 2	~~Seems neutral about growing beyond present job.~~ Some career initiative. Will be able to [redacted] level with additional training. [X] 3	E H S

Minot Investigation 0145682

ATE HIRED 6/10/02	FULL TIME 2/26/03
ATE	PART TIME 9 month prob. 3/10/03

ıat don't apply.		Subtotal	COMMENTS
y exceeds quality and ction standards. Work al- always completed on Steady, regular perfor- e. [ ] 4	Consistently exceeds quality and production standards ahead of schedule. Consistently superior performance. [ ] 5	3 3	Additional Comments: Matt's previous law Enforcement has clearly help him progress at minot P.D. Dir had less complaints about handwritting on his paper work.
es job very well and has andled related work on on. Receptive to sugges- of further training. [ ] 4	Extensive knowledge of own job and related jobs. Eager to learn more. [ ] 5	3 6	
ell into present job en- nent. Enjoys present job. ts change with a positive e. [X] 4	Superior adaptation to job environment. Enthusiastic about present job. Welcomes and adapts easily to change. [ ] 5	4 10	
o work with. Cooperates ith others. Positive at- toward co-workers. [X] 4	Extremely easy to work with. Very willing to cooperate with others. Very positive attitude toward co-workers. [ ] 5	4 14	Extra Training Recommended: any training needed as it comes up.
effort on most jobs. s willing to make extra ef- nen requested. Minimum nt of supervision required. [ ] 4	Superior effort on all tasks. Makes extra effort on own initiative. Rarely needs direct supervision. [ ] 5	3 17	
attitude toward authority. t always positive about ıny and department. [X] 4	Excellent attitude toward authority. Always positive about company and department. [ ] 5	4 21	
-average level of skill and mance. Performs all easily and confidently. t always able to solve elated problems. [ ] 4	Very high level of skill and performance. Performs all tasks exceptionally well. Imaginative and resourceful in solving work-related problems. [ ] 5	3 24	
ignores safety rules and lures. Rarely needs ling about safe work [X] 4	Never ignores safety rules and procedures. Never needs reminding about safe work habits. [ ] 5	4 28	Rated by Lt Bakkenhus Date 4-8-03
y punctual and seldom t. Always has good ex- ion. Makes strong effort rove. [X] 4	Rarely late or absent. Explanations verify that lateness or absences were unavoidable. Very little room for improvement. [ ] 5	4 32	Reviewed by Capt Brace Date 4-24-03
t always recognizes and es the need for dis- . Almost always discreet. ly can be trusted with ential information. [ ] 4	Never fails to recognize and observe the need for discretion. Always discreet. Can be trusted with all confidential information. [ ] 5	3 35	
y logical, clear, and con- a ning. Usually able to ffects of decisions. acts without considering nsequences. [ ] 4	Logical, clear, and concise reasoning. Almost always able to predict effects of decisions. Never acts without considering the consequences. [ ] 5	3 38	
to learn and advance. ver of career initiative. future growth potential. [ ] 4	Very eager to learn and advance. Very high level of career initiative. Very high potential for advancement. [ ] 5	3 41	

Ratings		Total Point Score
55-60	Superior	
43-54	High	
31-42	Good	41
19-30	Fair	
Below 19	Poor	

Results of Appraisal

Supervisor's Report

Date discussed with employee: 4-24-03

Additional Comments: _____

This employee Progress Appraisal Form has been completed by me based on careful and objective analysis.

G Baklenko 4-24-03
Supervisor's Signature Date

☒ APPROVE NEXT STEP INCREASE

☐ DENY NEXT STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Department Head Report

Date discussed with Supervisor: _____

Additional Comments: _____

Recommendations: _____

APPROVAL Chris Worthington 04-25-03
Department Head's Signature Date

COMMENTS (by Personnel Director or City Manager)

APPROVAL: _____
Personnel Director Date City Manager Date
4-28-03

SUPERVISOR-EMPLOYEE REVIEWAL

The completed and signed form is to be reviewed by the employee in a joint session with the Supervisors. The employee should read the evaluation and all aspects of the work situation should be discussed including employee strengths, where weaknesses may be improved upon, where problems or conflicts can be reduced or eliminated and where changes can be made in the employee's job or in a way in which it is carried out. The Supervisor-Employee review session should be also discuss employee motivation and career goals.

Employee's Report

"This performance evaluation has been reviewed with me by my supervisor and I (agree) (disagree) with it. My specific comments or objections are:

_____

_____

_____

_____

(MCLEOD)
Employee's Signature

4-24-03
Date

Minot Investigation CH1584

EMPLOYEE PROGRESS APPRAISAL FORM

How to Make an Employee Progress Appraisal

How can you make sure that your employees receive a fair wage that accurately reflects their contribution to the company? This has never been an easy task, largely because of its subjective nature.

Without a uniform standard, pay rates may be set arbitrarily, with little or no supporting evidence. This can leave both the supervisor and the company open to charges of unfairness from angry employees who feel they've been shortchanged.

The *Employee Progress Appraisal Form* has been designed with this in mind. It provides you not only with a means of measuring employee performance and contribution more accurately, but also with a permanent printed record that can be kept on file and used to chart individual employees' progress. In these times of proliferating government regulations, it's a form no employer should be without.

Filling Out the Chart

Inside this booklet, you will find a chart listing 12 characteristics, each with five behavior statements. Carefully read through each statement and check the box of the one that most closely approximates the behavior of the employee you are evaluating. Cross out any word or words in the box that don't apply.

Make sure you can support each rating you give an employee with complete and accurate documentation of his or her performance.

This is especially important if you give someone a very high or a very low score in any category. You should also note in the "comments" section why you gave the employee an extreme rating.

After you have completed all 12 characteristics and their statements, add up the point values of the boxes you have checked and enter their sum in the Subtotal box across the page. Then add all the subtotals down the column and enter the sum in the Total Point Score box on the right side of the page. The total point score will provide you with a specific figure that you can use, together with a wage or salary scale prepared by your firm, to arrive at a fair dollar amount should a pay increase be in order.

The Human Relations Side

The *Employee Progress Appraisal Form* helps assure a fairer assessment of performance, but it also has another equally important function. It can help you coach your employees and let them know where their weak and strong points are. This is an important step in improving employee morale and attitudes. Your workers *want* to know how they are doing, and the *Employee Progress Appraisal Form* can help you discuss this with them in an objective way.

In an appraisal, your manner toward your employee is just as important as what you say. Be frank and open in your discussion. Try to present criticism constructively and listen to any disagreements your worker may have with your assessment. Show the person how to capitalize on strengths and overcome weaknesses.

Go over the appraisal form with your employee, giving him or her well-thought-out reasons for each behavior standard you have marked. At the end of the session, make sure the employee signs and dates the form in the space provided on the last page. Also allow the person to write down any comments that he or she feels should be a part of the permanent record. At the close of the interview, give the employee a copy of the completed appraisal form for his or her records.

You Can Build Goodwill

Employee performance appraisals are not only valuable as a measure of performance, they can also build goodwill in your department and the company as a whole. How you conduct them shows your workers your attitude toward them and toward the organization. A thoughtful approach lets the employee know that you are interested and need his or her cooperation, and that you will give yours in return.

The *Employee Progress Appraisal Form* can be an important tool in building the kind of unit or department that works effectively and harmoniously. It's a way to let your workers know that you have sincere interest in them and, at the same time, to build your own and your company's reputation for fairness.

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EMPLOYEE NAME	NUMBER
McLeod Matt	
POSITION	**DEPARTMENT**
Police Officer	

CHARACTERISTICS	Check box that most closely describes employee being rated. Cross out any word(s			
QUALITY AND CONSISTENCY OF PERFORMANCE	Rarely meets quality and production standards. Often behind schedule. Erratic performance. [ ] 1	Frequently below quality and production standards. Usually behind schedule. Somewhat erratic performance. [ ] 2	Usually meets quality and production standards within acceptable time frame. Even performance. [X] 3	Us pr m tin m
JOB KNOWLEDGE	Has difficulty with present work. Would need extensive additional training to handle any related work. [ ] 1	Gets by with present work. Could handle related work with careful training. [ ] 2	Handles job satisfactorily. Has [redacted] knowledge of related work. [X] 3	Ha al oc tic
WORK ADJUSTMENT AND ADAPTABILITY	Hasn't adapted well to present job environment. Expresses strong dissatisfaction with job. Strongly resists change. [ ] 1	Uncertain adjustment to present job environment. Dissatisfied with present job. Doesn't adapt well to change. [ ] 2	Responds neutrally to job environment. Seems satisfied with present job. Indifferent to change. [ ] 3	Fi vi Ac at
COOPERATION	Very difficult to work with. Totally uncooperative. Negative attitude toward co-workers. [ ] 1	Occasionally difficult to work with. Sometimes uncooperative. Somewhat negative attitude toward co-workers. [ ] 2	Usually easy to work with. Willing to meet others halfway. Neutral attitude toward co-workers. [ ] 3	Ea we titi
WORK EFFORT AND INITIATIVE	Makes very little effort to get work done. Refuses to make extra effort for production pushes. Constant supervision required. [ ] 1	No effort to exceed minimum production requirements. Resists putting forth extra effort. Extra supervision required. [ ] 2	Puts forth an average amount of effort. Usually willing to make extra effort when requested. Normal amount of supervision required. [X] 3	G Al fo ar
ATTITUDE TOWARD COMPANY AND DEPARTMENT	Very antagonistic toward authority. Almost always negative about the company and department. [ ] 1	Somewhat antagonistic toward authority. Sometimes negative about the company and department. [ ] 2	Passive about authority. Neutral toward company and department. [ ] 3	G Al cc
SKILL, APTITUDE, AND PROBLEM-SOLVING	Poor level of skill and performance. Difficulty in performing even routine tasks. Unable to solve work-related problems. [ ] 1	Below-average level of skill and performance. Can usually perform routine tasks. Sometimes able to solve work-related problems. [ ] 2	Average level of skill and performance. Performs routine tasks well. Usually able to solve work-related problems. [X] 3	Al pe ta Al w
ATTENTION TO SAFETY	Almost always ignores safety rules and procedures. Needs constant reminding about safe work habits. [ ] 1	Usually ignores safety rules and procedures. Needs frequent reminding about safe work habits. [ ] 2	Sometimes ignores safety rules and procedures. Occasionally needs reminding about safe work habits. [ ] 3	Ra pr re ha
PUNCTUALITY AND ATTENDANCE	Frequently arrives late. Chronic absenteeism. Provides no explanation. Makes no effort to improve. [ ] 1	Often arrives late. Irregular attendance. Usually has questionable explanation. Makes halfhearted effort to improve. [ ] 2	Infrequently late or absent, but there is room for improvement. Usually has good explanation. Makes an effort to improve. [ ] 3	Us at pl to
HANDLING CONFIDENTIAL INFORMATION	Doesn't recognize or observe the need for discretion. Almost always indiscreet. Definitely not to be trusted with confidential information. [ ] 1	Sometimes recognizes and observes the need for discretion. Usually indiscreet. Probably can't be trusted with confidential information. [ ] 2	Usually recognizes and observes the need for discretion. Usually discreet. May be trusted with less important confidential information. [X] 3	Al ob cr Pr cc
JUDGMENT	Unclear and imprecise reasoning. Unable to predict effects of decisions. Usually acts without considering the consequences. [ ] 1	Sometimes unclear and imprecise reasoning. Usually cannot predict effects of decisions. Often acts without considering the consequences. [ ] 2	Average reasoning abilities. Sometimes cannot predict effects of decisions. Sometimes acts without considering the consequences. [X] 3	Us cis pr Ra th
FUTURE POTENTIAL WITHIN THE COMPANY	Seems uninterested in growing beyond present job. No career initiative. Very little future potential. [ ] 1	Shows little interest in growing beyond present job. Minimal career initiative. Little future potential. [ ] 2	~~Seems neutral about growing beyond present job.~~ Some career initiative. Will be able to grow beyond present level with additional training. [X] 3	Ea Hi Sh

ATE HIRED	FULL TIME
6/10/02	9/10/02
ATE	PART TIME
	3 months Probation

at don't apply.		Subtotal	COMMENTS
exceeds quality and tion standards. Work always completed on teady, regular perfor- [ ] 4	Consistently exceeds quality and production standards ahead of schedule. Consistently superior performance. [ ] 5	3	Additional Comments: Matt has previous Law Enforcement experience and it shows - Has fit in with our shift really well - seems to get along very well with the Public. Should work on Printing on FORMS.
s job very well and has ndled related work on on. Receptive to suggesf further training. [ ] 4	Extensive knowledge of own job and related jobs. Eager to learn more. [ ] 5	3	
ll into present job enent. Enjoys present job. s change with a positive . [X] 4	Superior adaptation to job environment. Enthusiastic about present job. Welcomes and adapts easily to change. [ ] 5	4	
work with. Cooperates th others. Positive atoward co-workers. [X] 4	Extremely easy to work with. Very willing to cooperate with others. Very positive attitude toward co-workers. [ ] 5	4	Extra Training Recommended: any training needed as it comes up.
effort on most jobs. willing to make extra efen requested. Minimum t of supervision required. [ ] 4	Superior effort on all tasks. Makes extra effort on own initiative. Rarely needs direct supervision. [ ] 5	3	
ttitude toward authority. always positive about ny and department. [X] 4	Excellent attitude toward authority. Always positive about company and department. [ ] 5	4	
average level of skill and nance. Performs all asily and confidently. always able to solve lated problems. [ ] 4	Very high level of skill and performance. Performs all tasks exceptionally well. Imaginative and resourceful in solving work-related problems. [ ] 5	3	
ignores safety rules and ures. Rarely needs ng about safe work [X] 4	Never ignores safety rules and procedures. Never needs reminding about safe work habits. [ ] 5	4	
punctual and seldom Always has good exon. Makes strong effort ove. [X] 4	Rarely late or absent. Explanations verify that lateness or absences were unavoidable. Very little room for improvement. [ ] 5	4	
always recognizes and es the need for dis- Almost always discreet. ly can be trusted with ntial information. [ ] 4	Never fails to recognize and observe the need for discretion. Always discreet. Can be trusted with all confidential information. [ ] 5	3	
logical, clear, and conasoning. Usually able to effects of decisions. acts without considering sequences. [ ] 4	Logical, clear, and concise reasoning. Almost always able to predict effects of decisions. Never acts without considering the consequences. [ ] 5	3	
o learn and advance. vel of career initiative. future growth potential. [ ] 4	Very eager to learn and advance. Very high level of career initiative. Very high potential for advancement. [ ] 5	3	

Rated by [illegible] Date 11-5-02
Sgt. Keelan 11-5-02
Sgt. Wade 11-5-02
Reviewed by [illegible] Date 11/5/02

Ratings		Total Point Score
55-60	Superior	
43-54	High	
31-42	Good	41
19-30	Fair	
Below 19	Poor	

Page 1 of 2 235

Minot Investigation CH1587

Results of Appraisal

Supervisor's Report

Date discussed with employee: 11-5-02

Additional Comments: _____

This employee Progress Appraisal Form has been completed by me based on careful and objective analysis.

LT Bahlenko 11-5-02
Supervisor's Signature Date

☒ APPROVE NEXT STEP INCREASE

☐ DENY NEXT STEP INCREASE

☐ HOLD NEXT STEP INCREASE

Department Head Report

Date discussed with Supervisor: _____

Additional Comments: _____

Recommendations: _____

APPROVAL: Chuck Wentworth 11-05-02
Department Head's Signature Date

COMMENTS (by Personnel Director or City Manager)

APPROVAL: Bobbi Applegate 11-6-02
Personnel Director Date City Manager Date

SUPERVISOR-EMPLOYEE REVIEWAL

The completed and signed form is to be reviewed by the employee in a joint session with the Supervisors. The employee should read the evaluation and all aspects of the work situation should be discussed including employee strengths, where weaknesses may be improved upon, where problems or conflicts can be reduced or eliminated and where changes can be made in the employee's job or in a way in which it is carried out. The Supervisor-Employee review session should be also discuss employee motivation and career goals.

Employee's Report

"This performance evaluation has been reviewed with me by my supervisor and I (agree) (disagree) with it. My specific comments or objections are:

_____

_____

_____

_____

(Me) Ecd
Employee's Signature

11-5-02
Date

Minot Investigation CH1588

MINOT CIVIL SERVICE COMMISSION

CERTIFICATION FOR PROBATIONARY APPOINTMENT

Date MAY 8, 2002 Date of Exam APRIL 13, 2002

The following applicants are hereby certified eligible for provisional appointment to the civil service position of POLICE OFFICER.

✓MATTHEW MCLEOD
SCOTT WEIERS *
SHANE HAUG
BENJAMIN RITTER
MATTHEW DEBOWEY
BROCK LASKOWSKI
RONALD SMITH *
CASSIDEY HALSETH
JOHN VANDERHOEF

Bobbi Ziegler
Clerk of Commission

---------- **Route to Department** ----------

From the above eligible applicants, I recommend the provisional employee appointment of MATTHEW MCLEOD

to the position of POLICE OFFICER in the POLICE DEPARTMENT

effective ~~MAY~~ JUNE 10, 2002 at the starting salary of $ 2387.00 /month.

(Range 33 & Step 1.

Chief Dan Donnelly
Department Head

---------- **Route to Human Resources** ----------

Approved: Bobbie Ziegler, Human Resource Department.

---------- **Route to City Manager** ----------

From the above recommendation, I make the probationary employee appointment effective as requested. The probationary period for this position is 12 months, with possible extension not to exceed eighteen (18) months, based upon performance.

City Manager

COMP TIME AGREEMENT

I, Matt McLeod, have fully read and understand the provisions of the City of Minot Police Department Compt Time Plan, and do hereby agree to them. I do further declare that I understand that the Comp Time Plan is a condition of employment for me and that I have the right to use, preserve or cash out any comp time earned consistent with the 1985 Amendements to the Fair Labor Standards Act.

Dated this 13 day of June, .

Signature

Personnel Department

APPLICATION FOR EMPLOYMENT

We consider applicants for all positions without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, or any other legally protected status.

(PLEASE PRINT)

Position(s) Applied For	Date of Application
POLICE OFFICER	1-30-03

How Did You Learn About Us?

☐ Advertisement ☐ Relative ☐ Inquiry
☐ Employment Agency ☒ Friend ☐ Other _____

Last Name	First Name	Middle Name
McLEOD	MATTHEW	THOMAS

Address Number	Street	City	State	Zip Code
[redacted]		GRAND FORKS	ND	58201

Telephone Number(s): (H) [redacted] /(W) [redacted] /(C) [redacted]

Social Security Number (voluntary): [redacted]

Best time to contact you at home is: ..... 1:00 AM (PM)

If you are under 18 years of age, can you provide required proof of your eligibility to work? ..... ☒ Yes ☐ No

Have you ever filed an application with us before? ..... ☐ Yes ☒ No

If Yes, give date _____

Have you ever been employed with us before? ..... ☐ Yes ☒ No

If Yes, give date _____

Do any of your friends or relatives, other than spouse, work here? ..... ☒ Yes ☐ No

Are you currently employed? ..... ☒ Yes ☐ No

May we contact your present employer? ..... ☒ Yes ☐ No

Are you prevented from lawfully becoming employed in this country because of Visa or Immigration Status
Proof of citizenship or immigration status will be required upon employment. ..... ☐ Yes ☒ No

Date available for work OPEN/___ What is your desired salary range? FLEXIBLE

Are you available to work: ☒ Full-Time (please indicate 1 2 3 shift)
☐ Part-Time (please indicate Mornings Afternoon Evenings)
☐ Temporary (please indicate dates available ___/___/___ - ___/___/___)

Are you currently on "lay-off" status and subject to recall? ..... ☐ Yes ☒ No

Can you travel if a job requires it? ..... ☒ Yes ☐ No

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

EDUCATION

	Name and Address of School	Course of Study	No. of Years Completed	Diploma Degree
Elementary School	WASHINGTON ELEMENTARY VALLEY CITY, ND 58072	GENERAL	6	NONE GIVEN FROM THAT SCHOOL
High School	VALLEY CITY HIGH SCHOOL VALLEY CITY, ND 58072	GENERAL	6	YES, DIPLOMA
Undergraduate College	BISMARCK STATE COLLEGE BISMARCK, ND 58501	CRIMINAL JUSICE	2	YES, ASSOCIATE DEGREE
Graduate Professional	NA	NA	NA	NA
Other (Specify)	MINOT STATE UNIVERSITY MINOT, ND 58701	CRIMINAL JUSTICE	2	NO, 3 CREDITS SHY OF BACHELORS

Describe any specialized training, apprenticeship, skills and extra-curricular activities.

- RECEIVED TRAINING IN SPECIAL OPERATIONS WITH STATE PENITENTIARY S.O.R.T. -- INCLUDING BUILDING ENTRY, CROWD CONTROL, CELL EXTRACTIONS, ECT.
- ATTENDED I.P.M.B.A. SCHOOL IN MOOREHEAD, MN FOR BASIC POLICE MOUNTAIN BIKE SKILLS.
- DEATH AND HOMICIDE INVESTIGATION TRAINING IN BISMARCK.

Describe any job-related training received in the United States military.

NA

ADDITIONAL INFORMATION

Other Qualifications

Summarize special job-related skills and qualifications acquired from employment or other experience.

SPECIALIZED SKILLS (CHECK SKILLS/EQUIPMENT OPERATED)

		Production/Mobile Machinery (list)	Other (list)
___Terminal	___Spreadsheet		
___PC/MAC	___Word Processing		MOBILE DATA COMPUTER
X Typewriter	___Shorthand		
WPM 30	WPM ___		

State any additional information you feel may be helpful to us in considering your application.

Note to Applicants: DO NOT ANSWER THIS QUESTION UNLESS YOU HAVE BEEN INFORMED ABOUT THE REQUIREMENTS OF THE JOB FOR WHICH YOU ARE APPLYING.

Are you capable of performing in a reasonable manner, with or without a reasonable accommodation, the activities involved in the job or occupation for which you have applied? A review of the activities involved in such a job or occupation has been given. X YES ___NO

REFERENCES

1. RICHARD LEWELYN (Name) [redacted] Jane Doe 2
   [redacted] MINOT, ND 58701
2. JAMEY STEPHENSON (Name) [redacted] Phone #
   [redacted] (Address) GRAND FORKS, ND 58203
3. CHARLES LABOY (Name) [redacted] Phone #
   [redacted] (Address) MINOT, ND 58701

NAME: Matt McLeod POSITION: Police Officer DATE: 1 / 30 / 02

FOR PERSONNEL DEPARTMENT USE ONLY

Position(s) Applied For Is Open: ☐ Yes ☐ No

Position(s) Considered For: _____

_____

Date _____

Minot Investigation CH1594

EMPLOYMENT EXPERIENCE

Start with your present or last job. Include any job-related military service assignments and volunteer activities. You may exclude organizations which indicate race, color, religion, gender, national origin, disabilities or other protected status.

1.

Employer: Grand Forks Police Department	Dates Employed From: 12/99	To: Present	Work Performed: Routine Patrol, Enforce
Address: 122 S 5th St. Grand Forks, ND 58204	Hourly Rate/Salary Starting: $13.47/HR	Final: $15.65/HR	City and State Law, Etc.
Telephone Number(s): (701) 787-8000			
Job Title: Police Officer / Supervisor: Sgt. K. Kalltoen			
Reason for Leaving: Still There			

2.

Employer: North Dakota State Penitentiary	Dates Employed From: 5/97	To: 11/99	Work Performed: Oversaw Daily Movement
Address: East of Town Bismark, ND 58505	Hourly Rate/Salary Starting: $1375/Mon.	Final: $1800/Mon.	And Activities of Inmates.
Telephone Number(s): (701) 328-6100			Responded To Emergencies.
Job Title: Correctional Officer / Supervisor: Lt. D. Midestadt			
Reason for Leaving: Took Job with Grand Forks P.D.			

3.

Employer: Radisson Inn	Dates Employed From: 1/96	To: 4/97	Work Performed: Assisted Guests Checking In and
Address: 700 S. 3rd St Bismarck, ND 58504	Hourly Rate/Salary Starting: $4.25/HR	Final: $5.25/HR	Out. Also Provided Bell Hop
Telephone Number(s): (701) 258-7700			Services
Job Title: Front Desk / Supervisor: Sherely Himesbock			
Reason for Leaving: Took Job with Penitentiary			

4.

Employer: Dakota Boys Ranch Warehouse	Dates Employed From: 8/95	To: 1/96	Work Performed: Picked up Donations.
Address: 1500 E Front St.	Hourly Rate/Salary Starting: $5.00/HR	Final: $5.00/HR	Moved Merchandise Between
Telephone Number(s):			Store and Warehouse.
Job Title: Driver / Supervisor: Deb Rudolph			
Reason for Leaving: Not Getting Enough Hours			

If you need additional space, please continue on a separate sheet of paper.

List professional, trade, business or civic activities and offices held.
You may exclude membership which would reveal gender, race, religion, national origin, age, ancestry, disability or other protected status:

- Member of The Fraternal Order of Police
- Grand Forks Police Honor Guard

APPLICANT'S STATEMENT

I certify that answers given herein are true and complete.

I authorize investigation of all statements contained in this application for employment as may be necessary in arriving at an employment decision.

This application for employment shall be considered active for a period of time not to exceed 45 days. Any applicant wishing to be considered for employment beyond this time period should inquire as to whether or not applications are being accepted at that time.

I hereby understand and acknowledge that, unless otherwise defined by applicable law, any employment relationship with this organization is of an *"at will"* nature, which means that the Employee may resign at any time and the Employer may discharge Employee at any time with or without cause. It is further understood that this *"at will"* employment relationship may not be changed by any written document or by conduct unless such change is specifically acknowledged in writing by an authorized executive of this organization.

In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge. I understand, also, that I am required to abide by all rules and regulations of the employer.

_____ 1-30-02

Signature of Applicant Date

FOR PERSONNEL DEPARTMENT USE ONLY

Arrange Interview ☐ Yes ☐ No

Remarks _____

_____ _____

INTERVIEWER DATE

Employed ☐ Yes ☐ No Date of Employment _____

Job Title _____ Hourly Rate/ Salary _____ Department _____

By _____

NAME AND TITLE DATE

This Application For Employment is sold for general use throughout the United States. Amsterdam Printing and Litho assumes no responsibility for the use of said form or any questions which, when asked by the employer of the job applicant, may violate State and/or Federal Law.

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Rev 3/99

Minot Investigation CH5396

AMSTERDAM

MINOT STATE UNIVERSITY

OFFICE OF ADMISSIONS, RECORDS
AND REGISTRAR
MINOT, NORTH DAKOTA 58707
OFFICIAL ACADEMIC RECORD

MCLEOD MATTHEW THOMAS
BISMARCK ND 58504
HIGH SCHOOL:

69070-8
0193791

PG 1
03-01-99

BIRTH DATE: [redacted] Jane Doe 2

COURSE	TITLE	CREDITS / GRADE
FALL 1993	BISMARCK STATE COL ND	
CJ 220	INTRO TO CRIM JUSTICE	3.00 C
CJ 222	POLICE ADMINISTRATION I	3.00 D
HIST 103	US HISTORY TO CIV WAR-GE/2	3.00 D
PHED 101	IND FIT/WT TRAIN/PHY FIT-GE/4	1.00 B
PLSC 101	AMER GOVT & POLITCS-GE/7	3.00 C
ENGL 101	FRESHMAN ENGLISH-GE/1	3.00 D
CUM: 16.00	1.50 INST: 0.00	TERM: 16.00 1.50
SPRING '94	BISMARCK STATE COL ND	
CJ 223	POLICE ADMINISTRATION II	3.00 D
ENGL 102	FRESHMAN ENGLISH-GE/1	3.00 C
HIST 104	US HISTORY FROM CIV WAR-GE/2	3.00 C
PSCY 101	INTRO TO PSYCH-GE/7	3.00 D
SOC 101	INTRO TO SOCIOL-GE/7	3.00 A
CUM: 31.00	1.74 INST: 0.00	TERM: 15.00 2.00
FALL 1994	BISMARCK STATE COL ND	
SCNC 101	PHYSC SCI(BIOL/CHEM)LAB-GE/6	4.00 B
SCNC 101	PHYS SCIENCE (BIOL/CHEM)LAB-GE/	0.00 S
ART 111	ART APPRECIATION-GE/3	3.00 B
CJ 230	CRIMINAL LAW	3.00 C
CJ 224	JUVENILE DELINQUENCY	3.00 D
PHED 201	BOWLING-GE/4	1.00 B
CUM: 45.00	1.93 INST: 0.00	TERM: 14.00 2.36
SPRING '95	BISMARCK STATE COL ND	
CJ 231	CRIM EVID & PROCED	3.00 C
CJ 226	CRIM INVESTIGATION	3.00 B
SPCH 101	FUND OF SPEECH-GE/1	3.00 C
SOC 252	CRIMINOLOGY	3.00 B
MATH 102	INTER ALGEBRA	3.00 D
CUM: 60.00	2.00 INST: 0.00	TERM: 15.00 2.20
FALL 1995	BISMARCK STATE COL ND	
SCNC 102	PHYS SCIENCE (PHYS/GEOL)-GE/6	4.00 C
SCNC 102L	PHYS SCNC (PHYS/GEOL)-GE/6	0.00 S
CUM: 64.00	2.00 INST: 0.00	TERM: 4.00 2.00

COURSE	TITLE	CREDITS / GRADE
FALL 1995	ARTS & SCI/CRIMINAL JUSTICE	
CJ 0330	CRIMINOLOGICAL THEORY	3.00 D
CJ 0490	ROLE CONFLICTS/PERFORM DILEMMAS	3.00 B
CJ 0300	POLICING	3.00 B
CJ 0460	FIELD EXPERIENCE	3.00 P
CUM: 76.00	2.04 INST: 12.00	2.33 TERM: 12.00 2.33
BISMARCK STATE COL ND AA	12-22-95	
SPRING '96	ARTS & SCI/CRIMINAL JUSTICE	
CJ 0370	COURT PROCESSING AND SENTENCING	3.00 C
CJ 0340	JUVENILE JUSTICE SYSTEM	3.00 A
CJ 0380	CORRECTIONS	3.00 B
CJ 0320	PROB, PAROLE, &INTER PUNISHMENT	3.00 B
CUM: 88.00	2.18 INST: 24.00	2.71 TERM: 12.00 3.00
FALL 1996	ARTS & SCI/CRIMINAL JUSTICE	
CJ 0360	COMPARATIVE CJ SYSTEMS	3.00 C
CJ 0410	STRUCTURE & FUNCTION OF CJ SYST	3.00 B
CJ 0240	INVESTIGATIVE PROCESS	3.00 C
PSY 0317	ABNORMAL PSYCHOLOGY	3.00 D
CJ 0460	FIELD EXPERIENCE	3.00 P
CUM:103.00	2.15 INST: 39.00	2.45 TERM: 15.00 2.00
SPRING '97	BISMARCK STATE COL ND	
PHED 251	CARE/PREVENTION INJURIES	2.00 B
PHED 210	FIRST AID/CPR	2.00 B
CUM:107.00	2.19 INST: 39.00	2.45 TERM: 4.00 3.00
SPRING '97	ARTS & SCI/CRIMINAL JUSTICE	
CJ 0470	RURAL JUSTICE ISSUES	3.00 A
PSY 0312	HUMAN DEVELOPMENT-ADOLESCENCE	3.00 D
CJ 0400	JUVENILE GANGS	3.00 C
SW 0334	WOMENS ISSUES FOR SVC PROFESSNL	3.00 B
CJ 0480	SENIOR READINGS	3.00 A
CJ 0399	INDEPENDENT STUDY GENERAL CJ	3.00 A
CUM:125.00	2.31 INST: 57.00	2.65 TERM: 18.00 3.00
HRS AVG:CUM:119.00	135.00 INST: 51.00	275.00

** END OF RECORD ** MSU

MATT MCLEOD

BISMARCK ND 58504

PLEASE SEE REVERSE SIDE OF TRANSCRIPT FOR LEGEND

I certify that this is a true copy of the student's record.
Director of Admissions, Records and Registrar
Official transcript must show school seal

Minot Investigation CH1597

Academic Record

Minot State University
500 University Avenue West
Minot, ND 58707
United States
Print Date : 2006-08-15

Name : McLeod,Matthew Thomas
Student ID: [redacted]
Birthdate : [redacted]
Address : [redacted]
Minot, ND 58703
United States

UNOFFICIAL TRANSCRIPT

Send To : MATTHEW MCLEOD
PICK UP

United States

----- End of Transcript -----

UNOFFICIAL TRANSCRIPT

COURSE	TITLE	CREDITS / GRADE
FALL 1993	BISMARCK STATE COL ND	
CJ 220	INTRO TO CRIM JUSTICE	3.00 C
CJ 222	POLICE ADMINISTRATION I	3.00 D
HIST 103	US HISTORY TO CIV WAR-GE/2	3.00 D
PHED 101	IND FIT/WT TRAIN/PHY FIT-GE/4	1.00 B
PLSC 101	AMER GOVT & POLITCS-GE/7	3.00 C
ENGL 101	FRESHMAN ENGLISH-GE/1	3.00 D
CUM: 16.00	1.50 INST: 0.00	TERM: 16.00 1.50
SPRG 1994	BISMARCK STATE COL ND	
CJ 223	POLICE ADMINISTRATION II	3.00 D
ENGL 102	FRESHMAN ENGLISH-GE/1	3.00 C
HIST 104	US HISTORY FROM CIV WAR-GE/2	3.00 C
PSCY 101	INTRO TO PSYCH-GE/7	3.00 D
SOC 101	INTRO TO SOCIOL-GE/7	3.00 A
CUM: 31.00	1.74 INST: 0.00	TERM: 15.00 2.00
FALL 1994	BISMARCK STATE COL ND	
SCNC 101	PHYSC SCI(BIOL/CHEM)LAB-GE/6	4.00 B
SCNC 101	PHYS SCIENCE (BIOL/CHEM)LAB-GE/	0.00 S
ART 111	ART APPRECIATION-GE/3	3.00 B
CJ 230	CRIMINAL LAW	3.00 C
CJ 224	JUVENILE DELINQUENCY	3.00 D
PHED 201	BOWLING-GE/4	1.00 B
CUM: 45.00	1.93 INST: 0.00	TERM: 14.00 2.36
SPRG 1995	BISMARCK STATE COL ND	
CJ 231	CRIM EVID & PROCED	3.00 C
CJ 226	CRIM INVESTIGATION	3.00 B
SPCH 101	FUND OF SPEECH-GE/1	3.00 C
SOC 252	CRIMINOLOGY	3.00 B
MATH 102	INTER ALGEBRA	3.00 D
CUM: 60.00	2.00 INST: 0.00	TERM: 15.00 2.20
FALL 1995	BISMARCK STATE COL ND	
SCNC 102	PHYS SCIENCE (PHYS/GEOL)-GE/6	4.00 C
SCNC 102L	PHYS SCNC (PHYS/GEOL)-GE/6	0.00 S
CUM: 64.00	2.00 INST: 0.00	TERM: 4.00 2.00

MCLEOD MATTHEW THOMAS

MINOT ND 58703

COURSE	TITLE	CREDITS / GRADE
FALL 1995	ARTS & SCI/CRIMINAL JUSTICE	
CJ 330	CRIMINOLOGICAL THEORY	3.00 D
CJ 490	ROLE CONFLICTS/PERFORM DILEMMAS	3.00 B
CJ 300	POLICING	3.00 B
CJ 460	FIELD EXPERIENCE	3.00 P
CUM: 76.00	2.04 INST: 12.00 2.33 TERM: 12.00	2.33
BISMARCK STATE COL ND AA 12-22-95		
SPRG 1996	ARTS & SCI/CRIMINAL JUSTICE	
CJ 370	COURT PROCESSING AND SENTENCING	3.00 C
CJ 340	JUVENILE JUSTICE SYSTEM	3.00 A
CJ 380	CORRECTIONS	3.00 B
CJ 320	PROB, PAROLE, &INTER PUNISHMENT	3.00 B
CUM: 88.00	2.18 INST: 24.00 2.71 TERM: 12.00	3.00
FALL 1996	ARTS & SCI/CRIMINAL JUSTICE	
CJ 360	COMPARATIVE CJ SYSTEMS	3.00 C
CJ 410	STRUCTURE & FUNCTION OF CJ SYST	3.00 B
CJ 240	INVESTIGATIVE PROCESS	3.00 C
PSY 317	ABNORMAL PSYCHOLOGY	3.00 D
CJ 460	FIELD EXPERIENCE	3.00 P
CUM:103.00	2.15 INST: 39.00 2.45 TERM: 15.00	2.00
SPRG 1997	BISMARCK STATE COL ND	
PHED 251	CARE/PREVENTION INJURIES	2.00 B
PHED 210	FIRST AID/CPR	2.00 B
CUM:107.00	2.19 INST: 39.00 2.45 TERM: 4.00	3.00
SPRG 1997	ARTS & SCI/CRIMINAL JUSTICE	
CJ 470	RURAL JUSTICE ISSUES	3.00 A
PSY 312	HUMAN DEVELOPMENT-ADOLESCENCE	3.00 D
CJ 400	JUVENILE GANGS	3.00 C
SW 334	WOMENS ISSUES FOR SVC PROFESSNL	3.00 B
CJ 480	SENIOR READINGS	3.00 A
CJ 399	INDEPENDENT STUDY GENERAL CJ	3.00 A
CUM:125.00	2.31 INST: 57.00 2.65 TERM: 18.00	3.00
HRS AVG:CUM:119.00	275.00 INST: 51.00 135.00	

** END OF RECORD **

Official transcript must show school seal

MATTHEW T. MCCLEOD

GRAND FORKS, ND 58201

CAREER OBJECTIVE

Police Officer

EDUCATION

Minot State University, Minot, North Dakota
Major in Criminal Justice, 3 credits short of
Bachelor's Degree (last attended May 1997).

Bismarck State College, Bismarck, North Dakota
Associate of Arts in Criminal Justice
Graduated December of 1995.

Valley City High School, Valley City, North Dakota
Graduated May of 1993.

EXPERIENCE

December 1999 to Present	Grand Forks Police Department, Grand Forks, North Dakota Police Officer.
May 1997 to December 1999	North Dakota State Penitentiary, Bismarck, North Dakota Correctional Officer II, S.O.R.T., Squad Leader.
January 1996 to April 1997	Radisson Inn, Bismarck, North Dakota Front Desk Services.
August 1995 to January 1996	Dakota Boys Ranch Warehouse, Bismarck, North Dakota Truck Driver.
September 1993 to May 1994 and January 1995 to May 1995 (while school was in session)	Pizza Hut, Bismarck, North Dakota Delivery Driver and Food Preparer.
August 1991 to August 1995 (school holidays and summer vacations)	Leevers Super Valu, Valley City, North Dakota Carry Out Person and Stock Clerk.

TRAINING

December 1999 to Present	Grand Forks Police Department, Grand Forks, North Dakota
440 Hours	North Dakota Police and Sheriff Basic, Bismarck, ND
80 Hours	New Officer Orientation, Grand Forks, ND

40 Hours	Annual In Service, Grand Forks, ND
35 Hours	Police Mountain Bike School, Moorhead, MN
24 Hours	Death, Homicide and Injury Investigation, Bismarck, ND
8 Hours	Explosive Recognition Training, Grand Forks, ND
May 1997 to December 1999	North Dakota State Penitentiary, Bismarck, North Dakota
80 Hours	New Employee Training
203 Hours	C.O. II Training
43 Hours	Annual Training
75 Hours	Operations and Response Team Monthly Training; Building Entry, Crowd Control, Rifle, Shotgun and Handgun, etc.
November 1995 to December 1995	North Dakota Highway Patrol, Bismarck, North Dakota
September 1996 to October 1996	Internship
	Numerous hours with various agencies around the state; Valley City Police Department, Barnes County Sheriff's Office, Bismarck Police Department and Dickinson Police Department.

NOTICE TO SPOUSES OF VETERANS

Please be advised that if you are the unremarried spouse of a veteran who died while in service, or later died from a service-connected cause, you are entitled, if you are otherwise qualified, to the appointment or employment preference given to a Veteran (as provided in section 37-19.1-02 of the NDCC).

Do you claim status as the spouse of a deceased veteran? ____ YES __X__ NO

If so, please complete the following:

Name of Spouse _____

Dates of Service: _____ to _____

Also be advised that if you are the spouse of a disabled veteran, who is disabled due to a service-connected cause and is unable to exercise her/his right to a veteran's employment preference due to her/his disability, you are entitled, if you are otherwise qualified, to the employment preference given to a Veteran (as provided in section 37-19.1-02 of the NDCC).

Do you claim status as the spouse of a disabled veteran? ____ YES __X__ NO

If so, please complete the following:

Name of Spouse _____

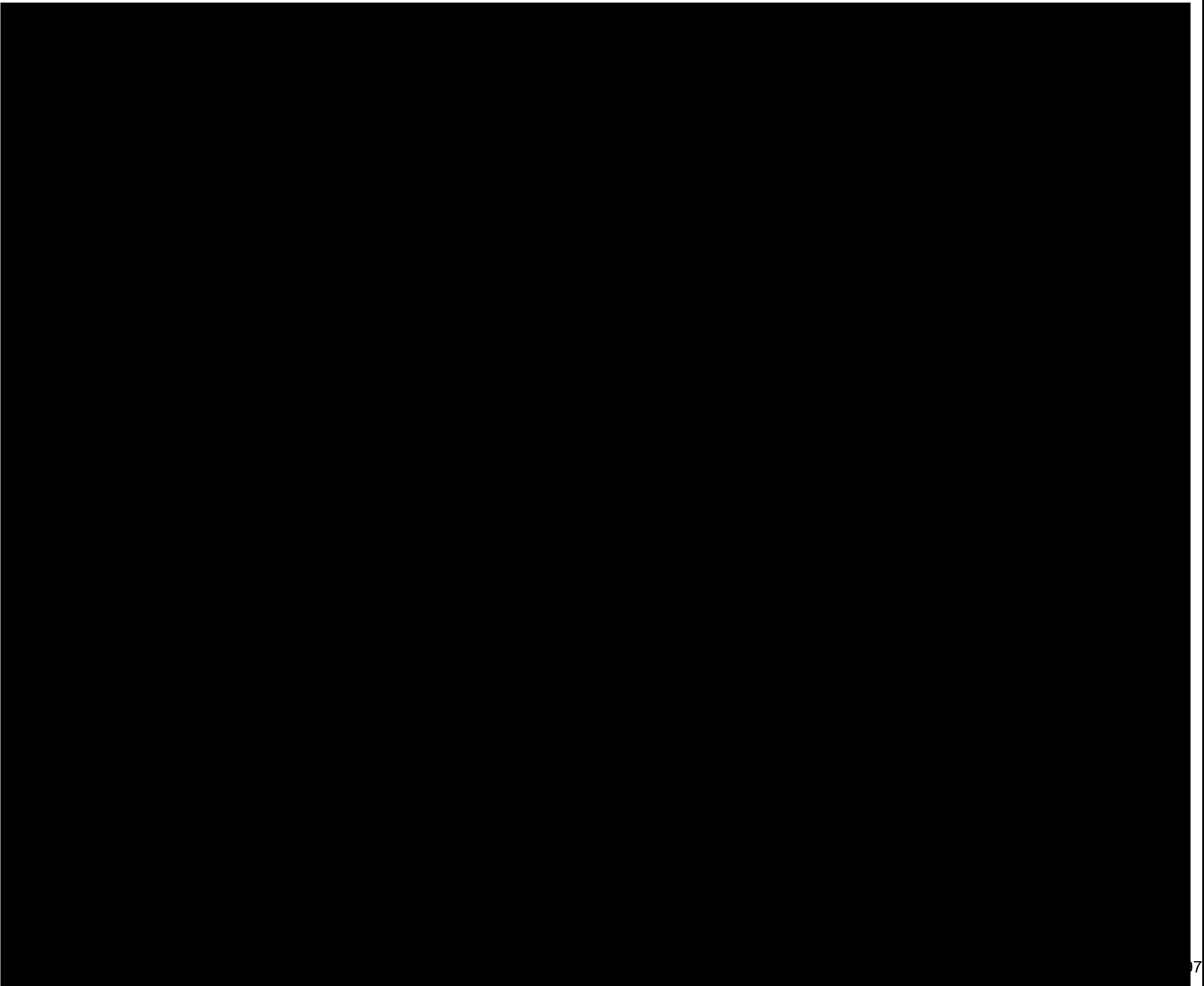
Dates of Service: _____ to _____

If an applicant feels he/she qualifies for this preference, please complete this portion of this form and return it along with the job application in order that it may be processed properly. Information provided will be confirmed with the Veterans Administration Office.

LEEVERS SUPER VALU — 8/91 TO 8/95 (SUMMERS MOSTLY) — STOCKED SHELVES
424 2ND AVE NE — CARRIED OUT GROCERIES
(701) 845-1732
STOCKER / CARRY-OUT — $4.25/HR $4.75/HR
ATTEND COLLEGE

PIZZA HUT — DELIVERED AND PREPARED PIZZA.
2020 N 20TH ST BISMARCK, ND — 9/93 TO 5/94, 1/95 TO 5/95
(701) 258-1100
DRIVER — $4.50/HR $4.50/HR
RETURN HOME FOR SUMMER

[redacted]



NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION

Case Master Report BCI24-00055

Date Initiated 01/30/2024

Warning
Contains entities exempt from disclosure

Primary Information	
Agency:	**NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION**
Bureau:	**BUREAU OF CRIMINAL INVESTIGATION**
Region:	**SOUTHWEST REGION**
Unit:	**BISMARCK**
Lead LEO:	**ARENZ, JOE (BISMARCK / NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION)**
Type Of Case:	**Assisting Other Agencies**
Case Description:	**MATTHEW MCLEOD Sexual Abuse Investigation**

Case Status	
Case Status:	**CLOSED**
Case Status Date:	**07/01/2024**
Disposition Code:	**PROSECUTION DECLINED**
Disposition Date:	**07/01/2024**
Dissemination:	**Bureau**

This report is the property of the NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION and is not to be copied or disseminated without the specific permission of the NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION. Please Note: If there is an Additional Items section, those items will not be retained upon case closure.

NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION

Offense Report BCI24-00055/1

Report Date: 02/05/2024

Warning

Contains entities exempt from disclosure

Primary Information

Description:	**MATTHEW MCLEOD Sexual Abuse Investigation**
Occurrence From:	**07/01/2013**
Occurrence To:	**07/31/2021**
Reporting LEO:	**ARENZ, JOE (BISMARCK / NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION)**
Report Status:	**Approved**
Report Status Date:	**02/09/2024**
Approved By:	**NICKEL, MARK (NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION)**

Synopsis

The Ada County Sheriff's Department and the Butte-Silver Bow Law Enforcement Department requested assistance with a sexual abuse investigation that occurred in both jurisdictions. The Ada County Sheriff's Department had received a report that [redacted] a 14-year-old female, was sexually abused by [redacted], MATTHEW MCLEOD. The sexual abuse in Ada County, Idaho, occurred in July 2021, and the sexual abuse in Butte, Montana, occurred in July 2013. The Butte-Silver Bow Law Enforcement Department requested the North Dakota Bureau of Criminal Investigation (NDBCI) to conduct an interview with MATTHEW MCLEOD, since MATTHEW MCLEOD lived in North Dakota.

Distribution:
Joe Arenz, NDBCI
Anthony Jurenic, Butte-Silver Bow Law Enforcement Department

Addresses

Relationship	Address
OCCURRED	**3155 MEADE AVE, BUTTE, MONTANA 59701 UNITED STATES**
OCCURRED	**3165 E LESLIE DR, MERIDIAN, IDAHO 83646 UNITED STATES**

Offenses

Offense Type	Offense	Attempted/Committed	Statute	UCR Class
OTHER	**Gross Sexual Imposition-Sexual Act-Victim under 15-Defendant at least 22**	**COMMITTED**	**12.1-20-03(1)(d)**	**11A**

Subjects

Relationship	Name	Bio	DOB
VICTIM - JUVENILE - EXEMPT	**[redacted] UNKNOWN BCI24-00055 (PERSON)**	**14 yr. old, UNKNOWN, FEMALE**	[redacted]
SUSPECT	**MCLEOD, MATTHEW THOMAS (PERSON)**	**48 yr. old, WHITE, MALE**	[redacted]
MENTIONED	**ADA COUNTY SHERIFFS DEPARTMENT - IDAHO (AGENCY)**		---
MENTIONED	**BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT (AGENCY)**		---
MENTIONED	**ST LUKES CARES (ORGANIZATION)**		---
MENTIONED	**MCLEOD, KRISTIN M PLESSAS (PERSON)**	**51 yr. old, WHITE, FEMALE**	[redacted]

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Offense Report BCI24-00055/1

Report Date: 02/05/2024

Subjects - Continued

Relationship	Name	Bio	DOB
MENTIONED	**VO, KIMBERLY MARY (PERSON)**	**54 yr. old, WHITE, FEMALE**	[redacted]

Analysis Information

Sick Or Injured:	**NO**
Cargo Theft:	**NO**
Alarm:	**NO**
Location Type:	**RESIDENCE**
Forced Entry:	**NOT APPLICABLE**
Alcohol Related:	**NO**
Drug Related:	**NO**
Computer Crime:	**NO**
Hate Crime:	**NO**
Sex Crime:	**NO**
Juvenile Crime:	**NO**
Domestic Violence:	**NO**
Senior Abuse:	**NO**
Child Abuse:	**NO**
Gang Related:	**NO**
School Zone:	**NO**
Public Housing:	**NO**
Signature Act:	**NO**
Electronic Identification:	**NO**

Narrative begins on the following page.

This report is the property of the NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION and is not to be copied or disseminated without the specific permission of the NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION. Please Note: If there is an Additional Items section, those items will not be retained upon case closure.

CASE/REPORT #: BCI24-00055/1

Report Title: MATTHEW MCLEOD Sexual Abuse Investigation

Details:

(ALL TIMES ARE APPROXIMATE)

1. On January 23, 2024, the North Dakota Bureau of Criminal Investigation (NDBCI) received a request from the Butte-Silver Bow Law Enforcement Department in Montana (MT), to interview MATTHEW MCLEOD of Minot, North Dakota (ND), regarding a sex offense being investigated by both the Butte-Silver Bow Law Enforcement Department and the Ada County Sheriff's Department in Idaho (ID).

2. S/A Arenz reviewed the reports from the Butte-Silver Bow Law Enforcement Department and the Ada County Sheriff's Department. The Ada County Sheriff's Department report is summarized as follows:

   A. On March 2, 2023, the Ada County Sheriff's Department took a report regarding sexual contact with a minor.

      1) On November 16, 2023, [redacted] reported to the Ada County Sheriff's Department that [redacted] 14-year-old [redacted], [redacted] had disclosed to a counselor that [redacted], MATTHEW MCLEOD, had sexual contact with [redacted] at a residence in Butte, MT.

      2) Kimberly Vo stated that MATTHEW MCLEOD was married to Kimberly Vo's sister, Kristin McLeod, and that MATTHEW MCLEOD was a lieutenant with the Minot Police Department.

      3) Kimberly Vo stated that at the time Kimberly Vo was reporting, [redacted] was at a behavioral health facility in Utah (UT), but when [redacted] came back to Ada County, [redacted] could be interviewed.

   B. On January 2, 2024, The Ada County Sheriff's Department had [redacted] interviewed at the St. Luke's CARES facility in Boise, ID. [redacted] disclosed the following:

      1) When [redacted] was approximately 4 years old, [redacted] was at [redacted] grandfather's residence in Butte, MT, along with other family members.

      2) [redacted] went into the house and was lying on the floor in a guest bedroom playing on a tablet.

      3) MATTHEW MCLEOD came into the bedroom and laid [redacted] on the bed and pulled down [redacted] underwear.

      4) MATTHEW MCLEOD started kissing [redacted] on the mouth and then inserted MATTHEW MCLEOD's penis into [redacted] vagina.

5) [redacted] passed out and woke up when MATTHEW MCLEOD was getting off [redacted]

6) MATTHEW MCLEOD then went upstairs and was drinking with the rest of [redacted].

7) [redacted] also disclosed in 2021 that [redacted] was at [redacted] grandmother's residence in ID, as a lot of the family were there to help move [redacted] grandmother to ND.

8) [redacted] went into the kitchen to get a slice of pizza. While in the kitchen, MATTHEW MCLEOD entered the kitchen. MATTHEW MCLEOD pushed [redacted] against the stove and then took MATTHEW MCLEOD's hand and grabbed [redacted] vagina outside of [redacted] clothing. [redacted] pushed MATTHEW MCLEOD away.

9) [redacted] stated that MATTHEW MCLEOD brushed MATTHEW MCLEOD's hand across [redacted] breasts when MATTHEW MCLEOD hugged [redacted]

C. On January 11, 2024, the Ada County Sheriff's Department sent the Ada County Sheriff's Department report to the Butte-Silver Bow Law Enforcement Department.

3. Please refer to the Ada County Sheriff's Department report and the Butte-Silver Bow Law Enforcement Department report for further details.

Description and Custody of Evidence:

1. None as a result of this report.

Attachments:

1. Ada County Sheriff's Department Report
2. Butte-Silver Bow Law Enforcement Department Report

NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION

Supplement Report BCI24-00055/2

Report Date: 02/06/2024

Warning

Contains entities exempt from disclosure

Primary Information

Description:	**MATTHEW MCLEOD Interview**
Occurrence From:	**01/30/2024**
Occurrence To:	**01/30/2024**
Reporting LEO:	**ARENZ, JOE (BISMARCK / NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION)**
Report Status:	**Approved**
Report Status Date:	**02/09/2024**
Approved By:	**NICKEL, MARK (NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION)**

Synopsis

Distribution:
Joe Arenz, NDBCI
Anthony Jurenic, Butte-Silver Bow Law Enforcement Department

Addresses

Relationship	Address
ACTIVITY LOCATION	**NDBCI, BISMARCK, NORTH DAKOTA UNITED STATES**

Subjects

Relationship	Name	Bio	DOB
VICTIM - JUVENILE - EXEMPT	[redacted] **UNKNOWN BCI24-00055 (PERSON)**	**14 yr. old, UNKNOWN, FEMALE**	[redacted]
SUSPECT	**MCLEOD, MATTHEW THOMAS (PERSON)**	**48 yr. old, WHITE, MALE**	[redacted]
MENTIONED	**BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT (AGENCY)**		**---**
MENTIONED	**MCLEOD, KRISTIN M PLESSAS (PERSON)**	**51 yr. old, WHITE, FEMALE**	[redacted]
MENTIONED	**PLESSAS, KIRBY MARIE (PERSON)**	**53 yr. old, WHITE, FEMALE**	**---**
MENTIONED	**VO, KIMBERLY MARY (PERSON)**	**54 yr. old, WHITE, FEMALE**	[redacted]

Narrative begins on the following page.

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CASE/REPORT #: BCI24-00055/2

Report Title: MATTHEW MCLEOD Interview

Details:

(ALL TIMES ARE APPROXIMATE)

1. On January 30, 2024, at 10:00 a.m., Special Agent (S/A) Joe Arenz met with MATTHEW MCLEOD at the North Dakota Bureau of Criminal Investigation (NDBCI) in Bismarck, North Dakota (ND), for an interview regarding the allegations made against MATTHEW MCLEOD. MATTHEW MCLEOD was interviewed in a private room within NDBCI.

2. S/A Arenz explained to MATTHEW MCLEOD that S/A Arenz wanted to speak with MATTHEW MCLEOD about the allegations made by [redacted] S/A Arenz told MATTHEW MCLEOD that the allegations were in reference to sexual contact between [redacted] and MATTHEW MCLEOD that occurred in Ada County, Idaho (ID), and Butte, Montana (MT). MATTHEW MCLEOD stated that MATTHEW MCLEOD was aware of the allegations made in Butte but was unaware of the allegations made in Ada County.

3. S/A Arenz advised MATTHEW MCLEOD that MATTHEW MCLEOD was not in custody and that MATTHEW MCLEOD could leave at any time. S/A Arenz read MATTHEW MCLEOD his rights and had MATTHEW MCLEOD sign an NDBCI Statement of Rights form (please refer to Attachment #1).

4. The following is a synopsis and not a verbatim of the interview with MATTHEW MCLEOD:

   A. [redacted] was MATTHEW MCLEOD's [redacted]. [redacted] was the [redacted] to Kimberly Vo, and Kimberly Vo was Kristin McLeod's sister. Kristin McLeod was MATTHEW MCLEOD's wife.

   B. [redacted] and Kimberly Vo lived in Boise, ID.

   C. The last time MATTHEW MCLEOD saw [redacted] was in 2021, when MATTHEW MCLEOD was in Boise to help Kristin McLeod's mother relocate to ND. It should be noted that MATTHEW MCLEOD provided a timeline of when MATTHEW MCLEOD had been around [redacted] (for details, please refer to Attachment #3).

   D. MATTHEW MCLEOD learned that [redacted] had made allegations against MATTHEW MCLEOD in July 2023. Kimberly Vo told another sister, Kirby Plessas, during a three-way call with Kimberly Vo, Kristin McLeod, and Kirby Plessas.

      1) MATTHEW MCLEOD was told that [redacted] claimed MATTHEW MCLEOD "molested" [redacted] when [redacted] was between the ages of 4 years old and 8 years old in Butte.

E. MATTHEW MCLEOD stated that in 2021, MATTHEW MCLEOD's family stayed in a house rental in Boise when MATTHEW MCLEOD's family went to Boise to help move Kristin McLeod's mother.

1) MATTHEW MCLEOD only saw [redacted] for a short time because Kimberly Vo and [redacted] came over for dinner, but Kimberly Vo and [redacted] did not help with the move.

F. It was well known by family that [redacted] and MATTHEW MCLEOD did not get along. [redacted] always looked like [redacted] wanted to punch MATTHEW MCLEOD.

1) MATTHEW MCLEOD always thought [redacted] was spoiled and got everything [redacted] wanted.

2) [redacted] was not nice to MATTHEW MCLEOD's children.

G. MATTHEW MCLEOD was investigated in 2020 by the Valley City Police Department in ND, as a girlfriend from high school accused MATTHEW MCLEOD and other men the girl dated in high school of raping her. MATTHEW MCLEOD was not charged in that case.

H. MATTHEW MCLEOD explained the layout of Kristin McLeod's father's house in Butte, where [redacted] alleged that MATTHEW MCLEOD had sexual intercourse with [redacted]

1) The main level had three bedrooms.

2) The basement was an open area with one bedroom and an attached bathroom.

3) MATTHEW MCLEOD's children slept on an air mattress, and MATTHEW MCLEOD and Kristin McLeod slept on a pullout sofa bed.

4) [redacted] threw temper tantrums if [redacted] did not get the bedroom in the basement. Even if MATTHEW MCLEOD and Kristin McLeod had arrived first, MATTHEW MCLEOD and Kristin McLeod moved out of the bedroom when [redacted] and Kimberly Vo arrived so that [redacted] could have the bedroom.

I. S/A Arenz asked MATTHEW MCLEOD about the allegation that MATTHEW MCLEOD had sexual intercourse with [redacted] on a bed at Kristin McLeod's father's residence in Butte.

1) MATTHEW MCLEOD stated that MATTHEW MCLEOD had never been alone with [redacted] at any time in [redacted] life.

2) [redacted] always slept with [redacted] parents.

3) MATTHEW MCLEOD denied ever having sexual contact with [redacted]

4) Other than hugs that Kimberly Vo forced [redacted] to give MATTHEW MCLEOD and Kristin McLeod, MATTHEW MCLEOD and [redacted] never had physical contact.

5) [redacted] either played with the other kids or was with Kimberly Vo. [redacted] was never alone.

6) [redacted] was a very spoiled kid that MATTHEW MCLEOD did not want to be around.

7) MATTHEW MCLEOD's kids did not even have contact with [redacted]

8) Most of the time, the adults were all together in the living room or on the deck.

9) The family did activities together, but nobody was ever off on their own.

J. MATTHEW MCLEOD was surprised when MATTHEW MCLEOD learned of the allegations made by [redacted] MATTHEW MCLEOD stated that MATTHEW MCLEOD never really had any contact or interaction with [redacted]

K. S/A Arenz asked MATTHEW MCLEOD about when MATTHEW MCLEOD went to Boise to move Kristin McLeod's mother to ND in 2021.

1) Kirby Plessas rented a house that MATTHEW MCLEOD and MATTHEW MCLEOD's family stayed in.

2) MATTHEW MCLEOD stated that MATTHEW MCLEOD and MATTHEW MCLEOD's family arrived in Boise, loaded up the moving truck, stayed the night in the rented house, and had everyone over for dinner. The next morning, MATTHEW MCLEOD and MATTHEW MCLEOD's family drove back to ND.

3) [redacted] and Kimberly Vo did not stay at the rented house but came over for dinner. Kimberly Vo and [redacted] left after dinner.

4) Kimberly Vo and [redacted] showed up at Kristin McLeod's mother's house and stood in the yard but did not come in to help carry things out of the house.

5) MATTHEW MCLEOD denied that MATTHEW MCLEOD had any contact with [redacted]

L. MATTHEW MCLEOD stated that there was never any physical contact that could have ever been mistaken as sexual contact.

M. MATTHEW MCLEOD and Kristin McLeod only stayed at Kimberly Vo's residence one time, and that was when MATTHEW MCLEOD learned that [redacted] still slept in [redacted] parents' bed. MATTHEW MCLEOD believed that this was in 2010.

N. MATTHEW MCLEOD stated that [redacted] never went off to be by herself, as [redacted] was always with Kimberly Vo.

O. MATTHEW MCLEOD did not know why [redacted] accused MATTHEW MCLEOD of this.

P. MATTHEW MCLEOD believed that [redacted] was just trying to get attention.

Q. MATTHEW MCLEOD stated that [redacted] was sexually expressive on TikTok. MATTHEW MCLEOD suggested that the investigator look into [redacted] TikTok account.

R. MATTHEW MCLEOD hoped that [redacted] was never molested, but if [redacted] was molested, it was not by MATTHEW MCLEOD.

S. MATTHEW MCLEOD asked if MATTHEW MCLEOD could take a polygraph to show that MATTHEW MCLEOD did not have sexual contact with [redacted] S/A Arenz advised MATTHEW MCLEOD that S/A Arenz was going to ask the investigator from the Butte-Silver Bow Law Enforcement Department if the Butte-Silver Bow Law Enforcement Department wanted a polygraph administered. S/A Arenz advised MATTHEW MCLEOD that if the Butte-Silver Bow Law Enforcement Department investigator wanted the polygraph, S/A Arenz would schedule the polygraph. MATTHEW MCLEOD stated that MATTHEW MCLEOD was available almost any time because MATTHEW MCLEOD had been placed on administrative leave by the Minot Police Department.

5. For details of the interview, please refer to the audio recording in Attachment #2.

6. S/A Arenz was unable to schedule a polygraph due to the NDBCI examiner being unavailable.

Description and Custody of Evidence:

1. None as a result of this report.

Attachments:

1. Statement of Rights Form
2. MATTHEW MCLEOD Interview
3. Timeline of When MATTHEW MCLEOD Was Around [redacted]

NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION

Supplement Report BCI24-00055/3

Report Date: 03/05/2024

Warning

Contains entities exempt from disclosure

Primary Information

Description:	**MATTHEW MCLEOD Polygraph**
Occurrence From:	**02/23/2024**
Occurrence To:	**02/23/2024**
Reporting LEO:	**VOELTZ, SCOTT (FARGO / NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION)**
Report Status:	**Approved**
Report Status Date:	**04/08/2024**
Approved By:	**WIMER, KELLY (NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION)**

Synopsis

Special Agent (S/A) Scott Voeltz was requested to conduct a polygraph on MATTHEW MCLEOD by S/A Joe Arenz.

Distribution:
Joe Arenz, NDBCI
Anthony Jurenic, Butte-Silver Bow Law Enforcement Department

Addresses

Relationship	Address
OCCURRED	**3155 MEADE AVE, BUTTE, MONTANA 59701 UNITED STATES**

Subjects

Relationship	Name	Bio	DOB
VICTIM - JUVENILE - EXEMPT	[redacted] **UNKNOWN BCI24-00055 (PERSON)**	**14 yr. old, UNKNOWN, FEMALE**	[redacted]
SUSPECT	**MCLEOD, MATTHEW THOMAS (PERSON)**	**48 yr. old, WHITE, MALE**	[redacted]
MENTIONED	**VO, KIMBERLY MARY (PERSON)**	**54 yr. old, WHITE, FEMALE**	[redacted]

Narrative begins on the following page.

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CASE/REPORT #: BCI24-00055/3

Report Title: MATTHEW MCLEOD Polygraph

Procedures:

MATTHEW MCLEOD was tested in a private room within the North Dakota Bureau of Criminal Investigation (NDBCI) headquarters building in Bismarck, North Dakota (ND), with standard polygraph procedures being used throughout the examination. MATTHEW MCLEOD signed a waiver of rights form (Statement of Rights) and a polygraph examination liability waiver form (Request for Polygraph Examination). MATTHEW MCLEOD stated that MATTHEW MCLEOD understood that MATTHEW MCLEOD was being asked to submit to a polygraph examination to attempt to determine if MATTHEW MCLEOD was being truthful when MATTHEW MCLEOD said that MATTHEW MCLEOD had never touched MATTHEW MCLEOD's [redacted], [redacted] for sexual pleasure.

Pretest Interview:

1. During the pre-test interview, MATTHEW MCLEOD stated that MATTHEW MCLEOD grew up in Crookston, Minnesota (MN), and currently lived in Minot, ND. MATTHEW MCLEOD was employed as a lieutenant with the Minot Police Department.

2. MATTHEW MCLEOD stated that within the past few months, MATTHEW MCLEOD's [redacted] alleged that [redacted] had been molested by MATTHEW MCLEOD in Butte, Montana (MT), between the ages of 4 years old and 8 years old. MATTHEW MCLEOD stated that MATTHEW MCLEOD's [redacted] was the [redacted] of [redacted] and that [redacted] and [redacted] family lived in Boise, Idaho (ID). MATTHEW MCLEOD stated that the incident(s) had allegedly occurred at the previous residence of MATTHEW MCLEOD's father-in-law in Butte.

3. MATTHEW MCLEOD stated that [redacted] had accused MATTHEW MCLEOD of going into a bedroom, pulling [redacted] pants down, and having sex with [redacted] MATTHEW MCLEOD stated that [redacted] had claimed this incident happened in Butte. MATTHEW MCLEOD stated that [redacted] had also said that "a couple years ago," MATTHEW MCLEOD had cornered [redacted] in the kitchen, and MATTHEW MCLEOD had groped [redacted] MATTHEW MCLEOD stated that this incident was alleged to have happened in Boise.

4. MATTHEW MCLEOD stated that MATTHEW MCLEOD had been to Boise twice, and the last time that MATTHEW MCLEOD had visited Boise was in 2021 or 2022, when MATTHEW MCLEOD helped MATTHEW MCLEOD's family move MATTHEW MCLEOD's mother-in-law from Boise to ND. MATTHEW MCLEOD stated that MATTHEW MCLEOD's wife's family had a family reunion at MATTHEW MCLEOD's father-in-law's residence in Butte nearly every summer. MATTHEW MCLEOD had visited Butte several times since [redacted] was born.

5. MATTHEW MCLEOD denied that MATTHEW MCLEOD had ever had sexual contact with [redacted] MATTHEW MCLEOD stated that "nobody" had ever been alone with [redacted] and [redacted] had slept in the bed with [redacted] parents until age 5, so there was

no way that MATTHEW MCLEOD could have ever had sexual contact with [redacted] MATTHEW MCLEOD added that [redacted] [redacted] Kimberly Vo, was always around [redacted] even when [redacted] was playing with other kids.

6. MATTHEW MCLEOD stated that MATTHEW MCLEOD did not like [redacted] and [redacted] did not like MATTHEW MCLEOD; therefore, MATTHEW MCLEOD did not like being around [redacted]

7. MATTHEW MCLEOD did not believe that [redacted] had issues with any other family members other than MATTHEW MCLEOD.

8. MATTHEW MCLEOD stated that in MATTHEW MCLEOD's entire life, MATTHEW MCLEOD had seen [redacted] approximately 10 times, and MATTHEW MCLEOD had never been alone with [redacted]

Exam Composition:

MATTHEW MCLEOD's polygraph examination consisted of an acquaintance chart followed by three scored relevant question charts. The relevant questions on each of the scored charts were as follows:

Q1: HAVE YOU EVER TOUCHED THAT GIRL FOR SEXUAL PLEASURE?
A1: No

Q2: DID YOU TOUCH THAT GIRL'S VAGINA FOR SEXUAL PLEASURE?
A2: No

Q3: HAVE YOU EVER PUT YOUR PENIS INTO THAT GIRL'S VAGINA?
A3: No

Results:

After examining the charts of MATTHEW MCLEOD's polygraph examination, this examiner found that there was DECEPTION INDICATED when MATTHEW MCLEOD answered "no" to the relevant questions regarding actual physical sexual contact with [redacted]

Post Test Interview (if needed):

1. At the conclusion of the polygraph, S/A Voeltz informed MATTHEW MCLEOD that MATTHEW MCLEOD had failed the polygraph.

2. S/A Voeltz and S/A Arenz conducted a post-test interview with MATTHEW MCLEOD. MATTHEW MCLEOD continually denied that MATTHEW MCLEOD had ever touched [redacted] for sexual gratification. MATTHEW MCLEOD stated that the only time MATTHEW MCLEOD had touched [redacted] was to give [redacted] a goodbye hug and only when forced to do so. MATTHEW MCLEOD stated, "I've never touched that child in my life."

3. MATTHEW MCLEOD stated that MATTHEW MCLEOD had never been alone with [redacted] in MATTHEW MCLEOD's life.

4. MATTHEW MCLEOD stated that [redacted] allegations were "made up" and that [redacted] "had lied."

5. MATTHEW MCLEOD stated that MATTHEW MCLEOD had never been alone with [redacted] and [redacted] was never out of eyesight of [redacted] parents while MATTHEW MCLEOD visited the family in ID.

6. S/A Voeltz asked MATTHEW MCLEOD what [redacted] had to gain by making up a story about MATTHEW MCLEOD. MATTHEW MCLEOD stated, "I don't know why she picked me. It doesn't make any sense."

7. MATTHEW MCLEOD implied that [redacted] father may have molested [redacted] and [redacted] was substituting MATTHEW MCLEOD in place of [redacted] father in [redacted] memory.

8. At the conclusion of the interview, MATTHEW MCLEOD left the NDBCI office.

Description and Custody of Evidence:

1. The video and audio recording from MATTHEW MCLEOD's polygraph examination is in the custody of S/A Scott Voeltz at the NDBCI office in Fargo, ND.

Attachments:

1. Statement of Rights
2. Request for Polygraph Examination

NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION

Case Closure Report BCI24-00055/4

Report Date: 07/01/2024

Warning

Contains entities exempt from disclosure

Primary Information

Description:	**Case Closing**
Occurrence From:	**07/01/2024**
Occurrence To:	**07/01/2024**
Reporting LEO:	**ARENZ, JOE (BISMARCK / NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION)**
Report Status:	**Approved**
Report Status Date:	**07/01/2024**
Approved By:	**NICKEL, MARK (NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION)**

Synopsis

1. On June 26, 2024, Special Agent (S/A) Joe Arenz was notified via email by Detective Shannon Garza that the Ada County Sheriff's Department in Idaho (ID) declined to prosecute MATTHEW MCLEOD for the alleged sexual abuse of [redacted]

2. This case can be considered closed.

Attachment:
1. Email from Detective Garza

Addresses

Relationship	Address
ACTIVITY LOCATION	**NDBCI, BISMARCK, NORTH DAKOTA UNITED STATES**

Subjects

Relationship	Name	Bio	DOB
VICTIM - JUVENILE - EXEMPT	**[redacted] UNKNOWN BCI24-00055 (PERSON)**	**14 yr. old, UNKNOWN, FEMALE**	[redacted]
SUSPECT	**MCLEOD, MATTHEW THOMAS (PERSON)**	**49 yr. old, WHITE, MALE**	[redacted]

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City of Minot

Police Department

July 3, 2024

To: Lt. Matthew McLeod

Re: Internal Investigation # 24-2

On about January 26, 2024, Lt. Matt McLeod informed Chief Klug that he was notified of a criminal complaint filed against him in Idaho and Montana. I was later contacted by S/A Pat Lenertz from ND BCI, who informed me that they were asked to assist with interviewing Matt McLeod for two other jurisdictions.

After considering the allegations, I decided to place Lt. McLeod on administrative leave pending the outcome of the investigation. I met with Lt. McLeod on January 29th, 2024 in my office and explained my position on this investigation and placed him on paid administrative leave.

On April 23, 2024, I was contacted by Detective Sergeant Anthony Jurenic from the Butte/Silverbow Police Department in Montana. Sgt. Jurenic informed me he had been in contact with the prosecutor and they were denying prosecution.

On June 26, 2024, I was contacted by Detective Shannon Garza from the Ada County Sheriff's Department in Idaho. Detective Garza informed me that their prosecutor's office also denied prosecution.

On June 27, 2024, I received the full investigative report from Ada County Sheriff's Department, which included a confidentiality clause, prohibiting the release of the records they provided. I reviewed all files and requested additional records from ND BCI. I received the files from ND BCI on July 2, 2024, and reviewed all files.

Based on the information provided, I did not have any follow-up questions for Lt. Matt McLeod pertaining to the accusations. I agree with prosecutors from both jurisdictions that there is insufficient evidence to prove this alleged offense happened. I currently find there are no policy violations or any other reason to take any employment action against Matt. I hereby reinstate Lt. Matt McLeod to full duty status effective July 4, 2024.

John Klug
Chief of Police

February 11, 2022

Mayor, Council Members, City Manager, and HR,

First, I would like to thank Mr. Stewart for providing the email you all received and allowing me the opportunity to respond to the items that were "vented" to each of you. I spoke to this officer the day he turned in his resignation letter as I heard he had some issues with the leadership within the department and I wanted to hear firsthand what those issues were. I, of all people, do not throw stones as none of us are perfect, and I truly wish he would have given us all the opportunity to understand his issues before he had already decided to leave the department. I will also leave his name out of this email and speak to any of you individually if you'd like to know who it is that sent the email. I will go one section at a time to ensure I cover each issue thoroughly and as completely as possible.

- This officer was with our department for 2 years 8 months and did not have prior law enforcement experience. He has served in the Army Reserve in the capacity of First Sergeant, so he does have some life experience, but does not have the unique understanding that law enforcement brings by way of leadership challenges. In his early days with the department, he was identified as a "chronic complainer" by his peers, first line supervisors (sergeants), and middle managers (lieutenants). He regularly complained about the way fellow city employees were parking in the parking lot, confronted them, and threatened to write tickets. (We did have an issue with parking, but that was being handled through the department heads and City Manager and has gotten much better.) In my conversation with him, he told me he wanted his supervisors to tell him he was doing a good job on a regular basis and not just tell him what he does wrong. He claims he "did everything right" and he received the shotgun emails about what officers needed to fix. I would question that he did do everything right, but even if he did, some issues are addressed by explaining the problem and new procedure going forward (if something changes).

- To the point of our "very large paychecks" I would challenge that we conduct pay studies, market surveys, and have come a long way to competitively pay all of our employees. We do make more money as exempt employees, but we also do not get compensated with time or pay when we work extra hours, and every member of my Executive Team falls into this category and works more than 40 hours per week. I do not get any complaints from them, much like the City Manager does not get any complaints from me about the number of hours I work.

- The officer workspace is in the process of an upgrade, which is why the previous counter was torn out. We have a stainless-steel table ready for installation, but the stainless-steel wall covering that was supposed to be fabricated to assist in making it easy to clean and disinfect was not readily available as the vendor told us. Therefore, the project is on delay until that comes in. The fact that this officer would say that this space was for storing

lunch boxes and “drugs are weighed” is exactly what we are trying to prevent. With the increase of fentanyl in our community, it is a terrible idea to store your lunch where you process your evidence and drugs. The possibility of contamination is high and that is a dangerous situation for all. We are putting in the stainless-steel table so any drug residue can easily be wiped off after completing the evidence processing.

- The carpet in the Chief and Captains offices was replaced in 2021, one year later than originally planned. This was due to areas damaged and frayed to the point it could no longer be vacuumed without wrapping strands of carpet into the vacuum cleaner. This was a hard decision for me to make as I wanted to avoid the perception, we are more important than our officers and other staff, but it was done out of necessity, not to make our area better than theirs. Quite the contrary, we have delayed projects because we don’t want to invest a lot of money into the building not knowing what may have to be remodeled when we take control of the entire complex.

- To the point of our lack of visiting with those among the ranks to solicit their input, this officer forgets that for 2 years of his 2 years and 8 months, we have been dealing with the Covid pandemic. This has caused eliminating briefings at various moments in time, reducing the meetings, and social distancing. These “meetings” take place in informal settings around the PD daily. Many days when I have plenty of work in my “cushy office” I choose to lead by wandering. This concept allows me to interact with my employees in their space and ask for feedback. During the process of deciding to remove the counter and deciding what was needed in that space, the 3 captains and I visited with a few officers who passed through the area, and we asked them what they needed and what would be better for them. That is leadership. The fact that he was not the one we asked does not diminish our efforts to solicit information in the moment of decision-making.

- Many times, leadership and management go hand in hand. I recently defined the levels of supervision within our department to ensure that everyone understood who the supervisors are. My Executive Team, made up of myself, 3 captains, 5 lieutenants, and the PSAP Manager, are at the level where we must both lead and manage daily. We cannot completely abandon the duty to manage our personnel and staffing or we would run the divisions into the ground and the service to the community would fail. The lieutenant has worked a number of days and nights and been on the street with his officers in that capacity. This occurred on days and times they should have been off, but was done to ensure the adequate coverage of patrol to the city, but again, I don’t know that this officer was working the same day to witness that taking place. The “patrol commander”, which is actually the Operations Commander, was also prepared to put on his duty gear and go to work where needed (part of his job) as we hit a spike in Covid cases in January when I address the Council about the situation at the Police Department. And, if needed, every one of my commanders and senior staff members know that I will drop what I am doing to lend a hand to accomplish our mission. To that end, each person in the department has their role to fill. They do their job as it has been assigned to them without question. Earlier this week I was on my way to refuel my vehicle and a welfare check was dispatched just a few blocks away. I could have easily continued with my

plans, but instead, I responded with another officer and spoke with the person suffering from a medical condition. This is not uncommon for me, but one thing that is common when I make this decision is for an officer or sergeant to show up and say “take off, I got this” or something along those lines.

- Since there is a large paragraph about leadership, management, supervision, and promotion; I will try my best to cover this topic. All of you were briefed about the situation with the lieutenant who resigned her position with our department following an incident in a bar. This was not predicted or expected, she simply self-destructed and chose to move on to another career outside of law enforcement. That lieutenant had many good qualities and one of them was holding people accountable, which is the very thing this officer says isn’t happening. The reason some people did not like her was because they were held accountable. Then reading further into this officer’s complaint about leadership he talks about bringing issues to his current lieutenant and they go nowhere; the opposite to the previous issue and he’s also not happy with that response. I know all of you are aware that there are many types or styles of leadership. I firmly believe that our department is great because all our leaders are a little different. My Command Team each bring a variation of leadership qualities. My Executive Team also has a range of styles and qualities. Every leader is a person first, some have more experience, and some have less. I know you are also all aware that our department is young and inexperienced. The “kid” that he refers to was promoted to sergeant later in his career than Sgt. Noyes, who is referred to as one of the leaders he thinks is great. Both officers started their careers on the same day. I hired them both and know their potential. They will both be great leaders as they learn their role in the department.

- I think this officer speaks out of both sides of his mouth in reference to the lieutenants on patrol. First, he complains that the 2 lieutenants (under the old schedule) worked the overlap together and didn’t do anything except sit in the office and visit. I will admit, in some cases this was true, and we saw this as a waste of leadership. Lieutenants are administrators when they reach that level. At that time there were 3 lieutenants, one on each shift, and it seemed there was more middle management than needed to manage the Patrol Division. The lieutenants help schedule our personnel, manage personnel issues, address complaints from officers about workflow and equipment needs, and help make decisions that provide direction for our entire department. They are not patrol officers, but they will fill that role if necessary. Each department across the state and nation is a little different in how they operate, so I don’t think an outsider observing for a few hours really has the full scope of what our department is about. Now, there are 2 patrol lieutenants who work Monday – Friday and manage all day to day needs of the Patrol Division. They are not assigned to the Administration Division, but they are in an administrative role within the department. The sergeants are responsible for the supervision of the officers in the field and have been given the authority to make decisions, supervise, and lead their officers, a power that was stripped from them over the years and it is now being shifted back to them, so we truly utilize them as supervisors and leaders.

- The professional standards position was put in place shortly after I took over as Chief in 2020. This position is not outward facing. That lieutenant works directly for me and does more than review use of force reports. Some of his other duties include background checks of new employees, internal investigations, research and review of citizens complaints, policy review and recommendations, and exit interviews. He also works on projects as I assign them to him. If he ever hits a point where he doesn't have something to do, which is rare, he will ask me if I have anything that needs to be done. He is also the SWAT Commander, and that position allows him some time to ensure his team and their equipment is ready to go when needed.

- To the point about mental health, you all heard my desires for more funding in this area so we can ensure our officers get the care they need. Multiple meetings were held by the Operations Commander (who oversees patrol and dispatch) at various times and days where ONLY patrol officers were allowed to attend and speak with him. This officer did not attend any of those meetings.

- In this email he says "department training is laughable"; however, when he met with the Professional Standards Lieutenant for his exit interview, he said he feels the training he received was good. It appears he is either exaggerating how bad things are in the department or he really was not willing to address issues face-to-face within the department the way he claims he did. He never came to me with his problems or concerns, and all employees are told how the chain of command works. If their issue is not being addressed at the lowest level, elevate it to the next. If it's a serious issue that is not being addressed, talk to the chief. It's simple and I have never turned an employee away.

- To the point about comp time, the ability to earn comp time is not accurate. We have recognized that not controlling comp time only compounds our problem as the more time we give officers off when they are scheduled to work, the more overtime we pay to cover those shifts. Our supervisors do not deny staff from using their comp time unless it is requested near their scheduled shift and a replacement cannot be found to backfill their shift. Most officers look at the schedule and assume if their shift is at minimum, they choose on their own to not make the request. That is usually done out of respect for their fellow officers. All employees are under the same guidance pertaining to comp time and even through they may not get compensated with time, they are compensated with overtime pay. They are fairly compensated for their time worked.

- I would argue his point about lack of recognition by supervisors to the point that I had a plaque from the ND Peace Officers Association on my desk that I had just received earlier this week. This award was applied for by one of his patrol lieutenants and had just been granted by the NDPOA Board. I presented that award to him at the end of our conversation as I knew a more public or formal setting would not be possible since he was turning in his equipment the next day. Along with that, during the process of preparing his personnel file for HR, I also found other letters of recognition addressed to him.

- Last, but not least, this officer has made our department out to be a terrible place to work. So bad, it drove him to quit without having serious conversation with any of his supervisors. Most of his complaints were done in passing without having a direct conversation about the problem. His supervisors thought he was venting his frustration with some minor issues, not looking for solutions. To his point about his peers who could not provide him a reason someone should work here over another organization. I do not know the context that question was posed or who was asked, but as I stated earlier, he has been considered as a chronic complainer by even his peers. Maybe they did not want to provide a reason or maybe they have never taken time to ponder that question because they enjoy their employment here. That, we will never know. I can say this for sure. On January 31, 2022, we hired 3 new officers who are currently in training. All 3 of those officers came to us from other agencies in the State of ND. If it is so bad here, why would they choose Minot PD. Why give up the 7 years you already have vested in another agency? In the past few years, we have also hired a sergeant from Devils Lake PD, a deputy from Ward County SO who also had prior law enforcement experience, a trooper from the ND Highway Patrol, and a detective from the Los Angeles County Sheriff's Office. So again, I would ask each of you, if it is so bad here, why do they choose Minot PD for a career?

Once again, I would like to thank the City Manager for allowing me to provide each of you my point of view on the email you received. One thing he told me during my conversation on Wednesday was “This was never going to be my retirement gig. I’m done being a hero.” This was disturbing to me, and I simply told him if he was not happy here, then it was time for him to move on and find something that he was satisfied with. I have never thought I was a hero, and never will, regardless of what may happen the rest of my career.

I always welcome each of you into the Police Department at any time to observe how we operate. If any of you want to observe a meeting of my Executive Team or Command Team, please let me know and I will inform you as they are scheduled. My department does not function with one person or one division in mind. We each have important roles and responsibilities and many times those around us do not know every detail of our daily tasks. This officer focused on himself and patrol, but we have support staff, detectives, municipal court, dispatch, and many other responsibilities. I consider each of them when making my decisions to ensure the benefit of any change or decision is greater than the risk of making things worse. Have I gotten it wrong? Yes, I have, and I have adjusted and moved on to make it better. Sometimes failure is how we achieve success.

Thank you for your time and my apologies for such a lengthy letter of explanation, but I am very passionate about the police department, and I need to stand up for the great officers, staff, and leaders I get to work with every day.

Sincerely,

John Klug
Chief of Police

Krysta Becker

Officer 1 (no longer with dept.) – Referred to as officer A

- 9 yr officer – swat, sniper, Master officer
- '21/'22 – after responding to call (back in 2018/2019) – victim died in officer's arms – told by Chief Klug/Captain Sundheim – "if you need help for PTSD – go get it" – Tammy Ness is outside therapist. Ness also offered Chief any counselling help for any officer that needed it after Officer Blanchard's suicide. Chief 'blew her off'.
- Officer A was close friends with Officer Pat Blanchard who committed suicide in '22 as well...which undoubtedly added to PTSD issues.
- Officer A went outside department and found PTSD counselling in '22
- Being short staffed and other work/personal issues contributed to work deficiencies and in summer of '23 asked Chief Klug for mental health help – was given brochure to look in to for help.
- In Nov. '23 officer A had work incident where officer A yelled at citizen on a call about taking care of her child and was turned in by fellow officer...written up and Chief 'suggests' officer A received more help – so they find her a spot in a rehab facility in FL that – doesn't specialize in PTSD, but have counsellors that are trained in PTSD. Suggestion was actually – if you don't go, you won't have a job – kind of suggestion. After being threatened with job – officer A goes to counselling and returns back to work. Officer A received $4,000 bill for 30 day stay at treatment facility that was mainly for alcohol and drug addiction. Department mandated counselling – or officer A would lose job – department doesn't pay for counselling...this seems inappropriate and possibly retaliatory in nature.
- Officer A had confrontational relationship with MO Dan Batteiger – officer A says MO Batteiger is unethical, immoral and lies quite often. Provided multiple instances witnessed at work/during work.
    - This was the first instance from anyone in the Minot PD that I was made aware of MO Batteiger sleeping with a domestic violence victim – in which he was a responding officer to the DV call – within 48 hours of arresting victim's boyfriend/spouse. MO Boettiger's vehicle was at the victim's house at 13:30am 2 days after call...no lights on. Reported to Sgt Noyes. Sgt Noyes askes MO Batteiger about it and is told by MO Batteiger "I was just over there as a friend; I had given her my card and she needed to talk to someone". Sgt Noyes reported up chain of command to Lt. McCloud that two officers had seen MO Batteiger's vehicle at the victim's house, but Batteiger told Sgt Noyes that he wasn't there as anything other than a friend. As it went up the chain (admitted to Chief and Cpt Sundheim that he had in fact slept with the victim) – officer Batteiger was ultimately disciplined with a 3-day suspension from the department for sleeping with victim, but never spoken to about lying to his Sgt.
    - At this point officer A told me about other instances within the department where officers were caught lying and not fired – Summerville instance came up amongst multiple officers I spoke with. All said that Summerville lied multiple times, was written up and suspended, but not fired. All of them, past and present, indicated things like that that happen, hurt moral of the dept as most officers didn't believe this was good behavior for a fellow officer.

  - Officer A brought up ND POST Board Code of Ethics they sign and pointed to instances that, under ND POST Board rules, would be offenses that the POST Board would remove your license for.
  - Officer A also brought up other instances MO Batteiger was counselled, disciplined or suspended for – including failure to adequately train K9 Cyrus for drug detection on a monthly basis, a ATV pursuit complaint in which he lied about how many cars he passed during pursuit (told Sgts 7-8 cars, camera footage showed him passing roughly 80 cars), not following up on cases that are assigned to him and lastly losing of 15.7 grams of DEA grade heroine used for training of our Minot PD drug dogs.
- After the Nov. '23 incident where officer A yelled at citizen about taking care of kids – officer A went to counselling "suggestion" and came back to work. Was suspended for 6 months from Swat team as a sniper, but was told she was NOT in trouble. Chief did say he was disappointed in officer A for "always trying to point out the liars in the department. We are not the morality police". Sgt Strandemo (SWAT Commander) – wrote letter to have officer A removed from team because she spoke with officer who reported her about the yelling (not confrontational – per the officer) and that she pulled out a riot shield during a call – because "it looks bad to use swat gear on a call that doesn't need it". Chief also screamed at officer A for speaking with reporting officer about yelling incident.
- It was at this point that officer A requested to not work with MO Batteiger any further as, in her words, "I didn't feel safe and I didn't know if I showed up on scene, if he was doing something legal or illegal". Officer A was told by Chief (this occurred during counselling for PTSD sessions) "you will work with him or you won't have a job". Officer A was very upset in her own words.
- On 5/3 of this year, Chief requires officer A to take a Fitness for Duty Exam. Outside clinical psychologist Katherine Kuhlman was picked to be the examiner. On or about 5/20 of this year, Chief requires (given in suggestion form again – as in sign this or you won't have a job) officer A to sign 'records release' for all of her outside therapy sessions – including all therapist notes on what officer A said in session. Outside therapist Tammy Ness is upset at request as it ignores patient/client privilege. Why these records would be requested is quite alarming to me...if we have selected someone to judge officer's mental fitness...why would we need other therapist's records?
- Officer A was put on administrative leave while waiting for results for FFDE with Katherine Kuhlman.
- FFDE comes back from Kuhlman and indicates that officer is FIT FOR DUTY – but because of the past PTSD issues, may require 3 accommodations/actions that will help officer A (attached with this document) item 1. Officer A was decorated multiple times by city and department for her work/service. Also held significant amounts of training/certifications/qualifications that we as a city paid for. That is attached as well, item 2.
- I asked officer A if any of the accommodations that were suggested were applied to help – she indicated that nothing Kuhlman suggested was put into place. Instead, Sgt. Ruell was directed to report on all of officer A's daily activities to make sure things were going ok. Sgt. Ruell did the daily reports for a while, but then stopped because officer A was having no issues and so reports were not needed.

- During this same time, Cpt. Sundheim added a letter to officer A's personnel file (not HR but hidden one within the dept.) stating officer A was on a PIP, but it wasn't really a PIP in Cpt's words.
- I asked officer A why she was speaking up now – she said because she had left the department and they couldn't do anything to her any longer and that she still cared very much about the dept and her friends still working there. She indicated other people would speak up – but were worried about retaliation from brass, as they had all seen how Sgt. Schoenrock was treated for speaking up to/against brass.
- Main take-aways from this interview -- officer A reported inconsistent discipline within the department (favorites played), Poor communication from the senior brass, getting into trouble for reporting ethical, moral issues of other officers, no transparency within the depart. And not taking appropriate actions with regards to some officers' unethical behavioral issues.
- At end of interview officer, A also spoke about an incident that happened when Amy Evans (who I believe still works for the city) was hired on. Evans was identified in a hit and run report as the offending party. This was shortly after Evans had been hired by the city as an animal control officer. Officer A was attempting to issue warrant/citation for Evans so other citizen could get insurance claim made. The following morning officer A was pulled into Cpt. Sundbakken's office and told that they would not be pursuing this issue as it would be embarrassing to the city as this was now a city employee. Officer A objected because citizen needed this to get insurance claim filed. There has been some discrepancy about how long after the incident this happened... officer indicated within a few days – brass has told others it was the following month.

5. The following accommodations/actions will help support Ms. Becker in her return to work, as well as her potential to return to SWAT:

    a. If possible, Ms. Becker should be allowed to continue education and training related to SWAT and sniper duties. This will reduce feelings of being ousted, decrease anxiety and feelings of betrayal, and increase confidence. Allowing her to train will also allow supervisors and colleagues to monitor behavior, witness growth, increase their confidence, and identify any concerns in a less risky environment.
    b. In her first three months back, Ms. Becker should be allowed breaks upon return to work if she finds herself anxious or needing to self-regulate. If possible, she should be given time for her appointments with mental health providers.
    c. A member of the Peer Support team should check-in with Ms. Becker weekly for one month, then biweekly for one month, then transition to as needed or upon Ms. Becker's outreach. The individual doing the outreach should be someone that Ms. Becker trusts or can trust but is not a friend.

6. Once Ms. Becker returns to work and maintains engagement in treatment, it should be explained to her that she is therefore responsible for managing her mental health and stress and is therefore responsible for performing the duties of a Master Police Officer.

The information provided in this report was based solely on the psychological interview, psychological testing, and limited collateral information. It is not the purpose of this assessment to make recommendations regarding the RETENTION OF THE INDIVIDUAL BEING ASSESSED. Fitness for duty ratings are not permanent indicators. Fitness can vary based on triggering events and actions taken by the individual or by the Minot Police Department.

This level of Fitness for Duty is based on the assumption that the information provided by Ms. Becker was accurate and honest. If possible, this information should be validated for accuracy. If the Minot Police Department is aware of any discrepancies in Ms. Becker's self-report, then her level of fitness may be different than identified in this report.

The information provided in this report is extremely confidential and should only be released to the individuals named in the release of the information sheet. If this report is distributed to any other people, Ms. Becker should be contacted for her permission.

Katherine Kuhlman, Psy.D

Katherine E. Kuhlman, Psy.D., ABPP
Board-Certified in Police and Public Safety Psychology
Licensed Psychologist (AZ #5161)

ITEM #2

5

Training Certifications:

- Sixteen Hour pre-service Law Enforcement & Research Center (Saint Cloud Driving School) 2012
- Shadow Victims 2012
- Taser X26 Training / Exposure 2013
- Monadnock Expandable Baton (MEB) Advanced User Course 2013
- Defense Technology CS Gas 2013
- Defense Technology 0.2% OC Spray 2013
- S.W.A.T Basic 2021
- Police Basic Sniper School 2021
- North Dakota LEO Certified Instructor
- The Warrior Mindset 2015
- North Memorial EMS Education / First Responder Initial Course 2012
- Distracted Driving 2015
- Special Operations Committee Conference 2018
- Shotgun Qualification MIPD2003 2022
- Sidearm Qualification MIPD2002 2022
- Axon Taser Certification MIPD22023 20222
- Cultural Diversity NDHP2210 2022
- Identifying and Documenting Street Gangs MIPD1805 2022
- Police Pursuit Driving / EVOC MIPD2103 2022
- MPD Annual Training 2022
- Disability Awareness Training 2022
- LLRMI Use of Force Legal Issues 2022
- CPR Certification 2022
- Night Fire Weapons Qualification 2022
- Winter Fire Weapon Qualification 2023
- FTO Basic Training Seminar 2023
- NDHP DUI Detection/ SFST Testing Refresher NDHP2137 2023

- Stop Sticks User Course 2023
- FBI SWAT CQB training course 2023
- Annual Training Day 2023
- Defensive Driving NDSC1903 2023
- MPD Riffle Qualification Course 2023
- Shotgun Qualification MPD2003 2023
- Sidearm Qualification MPD2004 2023
- 2023 Legislative Update 2023
- Ground Control Skill MPD2306

Awards:

- North Dakota Bravery Award 2019
- Minot Police Department Exceptional Service 2020
- North Dakota Life Saving 2022
- North Dakota Commemorative Coin 2023

OFFICER CODE OF CONDUCT (PFN14)

NORTH DAKOTA PEACE OFFICER STANDARDS AND TRAINING (POST) BOARD

SFN 62315 (05/23)

7

Officer License Number or Social Security Number	Name (Last, First, Middle)
Agency Name	

109-02-05-01 OFFICER CODE OF CONDUCT

1. This section applies to every officer licensed by the board and every peace officer standards and training board license applicant. This section applies to on duty and off duty officers.

2. All applicants for a peace officer license including a part time license, reserve, and limited license shall sign a code of conduct on a form provided by the board and shall submit the code of conduct with the application. In the absence of a signed code of conduct a license shall not be issued.

3. All applicants for renewal of an officer license shall sign a code of conduct on a form provided by the board and shall submit the code of conduct with the application for renewal. In the absence of a signed code of conduct no license will be issued.

4. It is a violation of this section:

   a. To possess or consume alcoholic beverages on duty or while in uniform on duty or off duty except as authorized or required for the lawful performance of the officer's duties.

   b. To possess, sell, consume, use or assist in the use of any illegal or unauthorized controlled substance or medications whether on or off duty except as authorized or required for the lawful performance of the officer's duties.

   c. To engage in conduct that is in violation of the criminal laws of the state or federal government or ordinance of a political subdivision.

   d. To engage in acts of corruption or bribery or to condone acts of corruption or bribery by other peace officers.

   e. To willfully lie, omit, provide false testimony, provide misleading information or falsify written or verbal communications in reports when the information may be relied upon by the courts, state's attorneys, or other law enforcement officials.

   f. To willfully provide false testimony, evidence or misleading information in a application for a search warrant, arrest warrant, or criminal complaint.

   g. To engage in illegal harassment or intimidation of another individual, or to condone acts of illegal harassment or intimidation by other officers.

   h. To willfully fail to report the violation of a criminal law or NDCC chapter 12-63 by an officer.

Officer's Signature (typed name is the legal equivalent of a handwritten signature)	Date

Please retain a copy of this form and forward the original to the POST Board at:

POST Board
PO Box 1054
Bismarck ND 58502-1054

Your social security number is requested by the North Dakota Peace Officer Standards and Training Board to complete the licensing application process under NDCC § 12-63-06. Disclosure of your social security number is voluntary. However, not providing this information may result in a delay in processing your license application and correct individual identification.

HR Director, Lisa Jundt, Response to Officer #1– Krysta Becker

Note: There is no response provided to Officer Becker's complaint. The following Exhibits are responsive to several points she has indicated:

Exhibit AG – Chief Klug initial letter of Counseling from April 4, 2024

Exhibit AH – Sergeant Ruelle Counseling memo

Exhibit AI – Chief Klug Letter of Follow-up July 8, 2024

Exhibit AJ – HR investigation by Monica Porterfield into complaint from Krysta Becker. Investigation includes interview of Officer Krysta Becker,Officer Tatum Stebleton, Sergeant Josh Noyes, phone conversation with Officer Peggy Pfeifer and Interview of Sergeant Taylor Jensen by Lisa Jundt.

Exhibit AG-

City of Minot

Police Department

April 4, 2024

To: Master Officer Krysta Becker

Re: Concerns and Assignments

Officer Becker,

This letter outlines several concerns with your performance over the past few months, some changes to your roles, and a path forward to help you succeed.

Before going into each area, I think it is important to outline the trust I have instilled in each of your career endeavors. You have been assigned to Crisis Negotiations, SWAT (Sniper Team), and as a Field Training Officer. Each of these requires specialized training to be successful, and my trust in your ability to effectively carry out these roles has been extended.

Concerns:

- Confrontational and rude with members of the public.
- Unwilling to work with officers who you perceive to be "bad officers".
- Lack of humility when speaking with supervisors and peers.
- Inability to separate roles. (sniper tactics in patrol setting)
- Confrontational with supervisors and peers.
- Inability or unwillingness to separate supervisor/friend relationships at work.
- Inability to maintain emotional control when work performance is addressed in work settings.

Action steps:

- Resolve ongoing conflict with supervisors and peers.
- Reflect on your performance conversations with supervisors and peers.
    - Consider outcomes and ask yourself if you could have handled them differently.
- Build professional relationships with coworkers based on trust and respect.
- Talk to members of the public respectfully and with empathy.
    - Remember your negotiations training and active listening skills.

AG-2

Roles & Reassignment:

- Reassigned to Day Shift effective immediately.
- Suspended from SWAT – Sniper/Observer until October 1, 2024
  - Training only (no callouts) until January 1, 2025, or 3 months after suspension is listed.
  - Both timelines are based on an independent evaluation of overall performance and attitude by Sniper Team Leader and SWAT Team Commander.
- Suspended from role as Field Training Officer until October 1, 2024.
  - Timeline is based on an independent evaluation of overall performance and corrections to the areas of concern listed above by FTO Coordinator.

As the Chief of Police, I must be able to trust that the officers I have assigned to high-risk roles are able to perform to their best. To operate in these areas of our department requires a person whose attitude and performance displays a willingness to follow every lawful order issued by those in supervisory roles. At this time, I do not have confidence in Officer Becker in these areas based on my observations and the observations of several of her supervisors. For this reason, I will make the final approval before any suspension is lifted or role reassigned.

John Klug, Chief of Police — 4/4/2024 Date

This signature acknowledges the receipt of a copy of this letter.

Krysta Becker, Master Officer — 04-04-24 Date

Witness:

Justin Sundheim, Captain — 4/4/24 Date

Exhibit AH

On 7/3/24, I assigned Master Officer Becker to the same area as Master Officer Batteiger. Krysta was told by Sgt Schoenrock on 6/28/24 that this was my plan for the day. I spoke with all of the officers during briefing the morning of 7/3/24 and notified of the assignments as I usually do, which is my handing a piece of paper to the nearest officer. Following briefing, I was available in the Shift Supervisors office and I saw Krysta come in and sign out a LiDAR for the shift.

A short while later, Sgt Asham told me she was speaking with Krysta and she may be out of service for a while. Later in the morning, Lt Wegner told me Krysta was going home for the day.

On or around 4/19/2024, I had a discussion with Krysta regarding how I intended to help her succeed. I provided her with a copy of the plan, titled "Key issues.JS revised". Part of this discussion was how to work with other officers regardless of our personal feelings towards them. Additionally, we spoke about perception vs reality in regards to others' personnel actions and to focus what was within our control. I also told her that I would assign her to the same area as Batteiger at some point, but I would tell her before I did so, which is why she was told on 6/28/24.

I told Krysta I expect her to act professional with other officers, but would not require her to be friends with or act friendly with anyone. I was told by Sgt Schoenrock that Krysta indicated to him that she can't trust Batteiger and would hesitate to provide assistance to him if he was in a physical altercation with someone. I chose to assign them to the same area because I need to evaluate her performance with all officers on shift, regardless of personal relationships. Additionally, I need her to trust all other officers while on shift and to know they all trust her. This would be difficult to observe if Krysta's calls for service rarely are shared with Batteiger.

Working through conflict was discussed with her on multiple occasions. This is one area of her performance where I have not seen improvement. Other areas of improvement addressed with her have been at or above acceptable levels, so, I believed this was the next appropriate step.

Sgt Tyler Ruelle

Exhibit AI -1

City of Minot
Office of the Chief of Police

POLICE DEPARTMENT
CITY OF MINOT NORTH DAKOTA

701.852.0111
minotnd.gov
P.O Box 5006
Minot ND, 58702
515 2nd Ave SW
Minot, ND 58701

July 8, 2024

Master Officer Krysta Becker,

This letter is to outline my understanding of the conversation we had on July 3, 2024, when you came to my office at around 9:10am. You explained you were not able to work with Dan, referring to Dan Batteiger, which led to a conversation that lasted about 45 minutes. I think it is important to put my understanding of the conversation and the outcome into a written response to ensure clarity and understanding of the conversation and outcomes.

You explained that you did not want to share all the reasons you can't work with him as it was your "personal business". I explained that I understood, but I cannot justify any further assignment changes without understanding why you couldn't work with him. You explained that you understood, and that you could work the same shift, but not the same side of town, as you do not trust him (Batteiger).

We continued our conversation, and you said you had looked at other employment opportunities as you wanted to be happy to come to work. After several minutes of conversation, you explained that you really like working for the PD, and the reason you haven't left is that you were holding out for him to "fuck up" because you "know it is going to happen". I mentioned I needed to know all my officers could work together because it was sure to happen whether it was tomorrow or ten years from now. Officer Becker responded clearly that it did not matter, she would never be able to work with Batteiger.

I explained to you very clearly that I could not have employees on the team who could not work with each other, and that I was disappointed in the fact you wanted a fellow employee to fail. I also explained that as a Master Officer, you should be setting an example and coaching others to success, and that you need to step up and put the past behind you.

The reason for this letter is to respond to your request not to be assigned to work in the same area of town as Officer Batteiger. I gave my initial response, but I wanted to let you know this is not a request I can fulfill as we need to be able to work with each other and I cannot guarantee this situation will not arise.

I spoke to you about reviewing the schedule and trying to gain an understanding of the whole situation. Once again, I cannot fulfill any schedule changes at this time.

After we met, I learned that Sgt. Ruelle informed you, through a message relayed by Sgt. Schoenrock, that you would be working with Officer Batteiger on the same side of town on July 3rd. This was also a point he covered with you when he was assigned to help you correct some of

City of Minot
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Minot, ND 58701

the performance issues you had. I also learned that you had once again informed Sgt. Schoenrock that you can't trust Batteiger and would hesitate to provide assistance if he was in a physical altercation with someone. This is something you have also indicated similarly to me in a conversation about your lack of trust in Batteiger.

This was concerning when I first heard about it, but I knew it was a work in progress and at the time you were not working on the same shift, so the risk was low. Hearing that this is still your thought, and you are now working on the same shift, my concern is greater as there is also increased risk.

In my meeting with Sgt. Ruelle, I explained that there needs to be a short break in assigning you to the same side of town, but he needs to continue to evaluate your ability to work with all police employees. This is not only about your trust in another officer, but our need to trust that you will help all officers equally.

In conclusion, here are the key points you need to understand from this letter:

1. There will not be another change to days off or schedules to prevent you from working with Officer Batteiger.
2. You will be assigned to the same side of town in the next several weeks. This will be at the discretion of Sgt. Ruelle.
3. If you fail to respond or assist Officer Batteiger or any other officer, you will be subject to discipline in accordance with department policies and procedures.

If you have any questions or concerns about the information included in this letter, please contact me and we will address them.

V/r,

John Klug
Chief of Police

Exhibit AJ-1

July 15, 2024
8:50 am

RE: Phone call with Master Officer Krysta Becker

HR Generalist Courtney Scott advised Lisa Jundt, HR Director, and myself that Mst Officer Krysta Becker had been in her office and was extremely distraught regarding an emailed memo she received this morning from Chief Klug. Scott said that Becker was crying and upset regarding the statements in the memo about her expected performance and felt she was being forced to work with Mst Officer Batteiger. Scott stated that Becker had left her office to report back to patrol duty. After discussing Becker's disposition upon her exit in more detail, I called Mst Officer Becker to gauge her mental status and ability to perform her duties as a police officer.

When talking to Becker, she was audibly shaken and anxious about information contained in the memo from Chief Klug. I explained to Becker that I was very concerned about her mental well-being and that she should not be working on patrol in her present state of mind. She responded that she had been working in that state of mind for the past several months and was able to "handle it". She told me that work has done this to her and as long as she doesn't have to work with Batteiger everything will be fine. I advised Becker that it was not fine and that she should go home for the day. She again attempted to reassure me that she was capable of working patrol, but as she was still audibly crying and distressed, I said she was not in any condition to respond to calls and that she was to return to the police station and then go home. I advised her I would call the Sergeant on duty and let them know she had been sent home and call her back.

Upon ending the call with Becker, I attempted to call Sergeant Matt McLeod and then Captain Justin Sundheim but was unable to reach either officer. I then called Chief John Klug and relayed to him that I had sent Becker home for the day. He thanked me for the information and stated he would let the Sergeant on duty know. I requested to discuss the situation further with the Chief and we determined that we would talk later that afternoon due to scheduling conflicts in the morning.

I called Mst Officer Becker back and told her that I had notified her supervisor and that I would be looking into the allegations she had made on Friday, July 12th, to Brittany Thurston, Senior HR Generalist.

At approximately 2:00 pm, Chief Klug and Captain Sundheim came to my office and we were joined by Lisa Jundt. We discussed the conversations and recent encounters with Mst Officer Becker and expressed our concern with her well-being and ability to perform her duties on patrol, specifically as it related to any interactions involving Batteiger. We inquired as to the frequency of their working together and any knowledge of past conflict between Becker and Batteiger. Klug and Sundheim confirmed that there were times when Becker and Batteiger were assigned work on the same day and there was no way to guarantee they would not encounter one another during the course of regular duty. They also informed us of prior conversations they had with Becker regarding her attitude at work towards Batteiger as well as other officers. Klug and Sundheim shared our concern about her mental state and conveyed that they didn't know what further adjustments to the schedule could be made without serious detriment to the rest of the department.

Klug acknowledged that Batteiger had performance concerns in the past that had been investigated and addressed. He agreed that Batteiger's past behavior had significant flaws but noted that the Police

AJ-2

Department's leadership team felt that Batteiger had made significant strides to correct and repair his job performance. Jundt conveyed that the recent allegations Becker made about Batteiger were serious and that it was the duty of HR to look further into the situation to determine if there was, in fact, wrong-doing on the part of Batteiger as it related to inappropriate sexual conduct with fellow officers.

As a group, we reviewed the patrol schedule for the remainder of the week and noticed that Batteiger and Becker were both scheduled to work on Friday, July 19th. I noted that while we are looking into the allegations, we may want to allow Becker to use PTO for that day if she was uncomfortable working the same day as Batteiger. All parties agreed that would be acceptable if Mst Officer Becker requested the option for July 19th. It was also noted that because the State Fair is in town, there is additional strain on the Police Department and the staffing resources are already sparse. There was no way to prevent either officer from picking up additional shifts that may overlap with the other.

Chief Klug and Captain Sundheim left my office at approximately 2:40.

AJ-3

July 15, 2024
3:50 pm

RE: Phone call with Officer Tatum Stebleton

Officer Stebleton returned my phone call and I advised that I was following up on some concerns regarding fellow officer's interactions with peers and senior officers. I asked Stebleton if she had experienced any interactions that she felt were inappropriate or uncomfortable. She responded that she had not had any encounters that she felt were inappropriate and was not aware of anyone else. She stated she had not noticed any behavior that she felt was out of line and had not had any situations or circumstances that were uncomfortable.

I thanked her for her time and reminded her that if there were ever any concerns, she should report behaviors to either her supervisor or HR.

AJ-4

July 16, 2024
1:40 pm

RE: Meeting with Master Officer Krysta Becker

Master Officer Krysta Becker came to my office to further discuss her discomfort and unwillingness to work with Master Officer Batteiger. She brought her tablet with her to document our conversation and stated she was not recording anything, but wanted to keep notes for herself.

Becker brought forth her examples of Batteiger's misconduct and dishonesty in the past, citing the following situations:

- In 2022, a group of officers were in Albertville for a work-related event. When Becker arrived, Battegier told her to "follow my lead", and made comments to the rest of the group to insinuate that Becker and Batteiger were having a sexual relationship. He also made loud disparaging and derogatory comments about the waitresses at the restaurant the group was eating at that evening.
- In 2022, Batteiger was having an affair with a victim and lied to Becker about the nature of his relationship with her. Becker had video footage from her home showing the victim entering and interacting with Batteiger as Batteiger was living with Becker at the time.
- In 2022, Batteiger lied about officer availability and responded to calls directly involving friends of the victim that he was sleeping with.
- In December of 2022, Batteiger stole money from the night shift fund. Donations had been gathered for Christmas gifts from officers on the night shift and Batteiger took the money, but didn't purchase any gifts.
- In 2023, Batteiger lost drugs and had pulled Becker aside to talk to her after the investigation. He made excuses and tried to convince her it wasn't his fault and Becker felt that his demeanor was "coming at her".
- In 2024, Batteiger has made attempts to be alone with the new female officers in situations such as inviting them to the shooting range for extra help/training when they are off-duty. She noted he had targeted Peggy Pfeiffer, but luckily Tatum Stableton had invited herself along so he wasn't alone with Pfeiffer.

Sergeant Taylor Jensen had documented Batteiger's dishonesty and submitted it to leadership and Becker had also turned in her documentation to Sergeant Josh Noyes. Becker stated that she couldn't continue to be in situations where Batteiger was present and didn't want to be around when he "fucked up" next. She was extremely upset and agitated about the way that situations had been ignored in the past and felt that no one was doing anything about Batteiger.

I asked Becker if there had been any recent issues with Dan as most of the situations she told me about were from months or years in the past and had already been addressed. She stated that she didn't have any other information that she could share. I let Becker know that there was nothing illegal any romantic or personal relationships that were consensual between Batteiger and other officers. I also asked her if there had been any sexual relationship in the past between herself and Batteiger which she emphatically denied. I told Becker that I felt there was information she was not telling me and she confirmed the fact but said she was unwilling to share any more than she already had. I told her I was trying to understand what was triggering her about Master Officer Batteiger and she stated that she

couldn't answer me right now. I assured her that my main goal was that everyone was able to work in a professional and respectful manner and that I took her distress very seriously. I expressed my concern for her mental well-being and her ability to continue functioning with such extreme distress.

Becker said that she couldn't do it anymore and needed to find another job. She shared that she had reached out to Ward County and that she just wanted to keep the peace until she had a different job. Becker was adamant that she could not work with Dan at all anymore. She recounted the call from last week, on July 11th, when there was a cyclist/vehicle accident that both she and Batteiger had responded to. She noted that she had almost no interaction with Batteiger but had been unable to stop herself from being "...a dick" to other people on the scene and it was because of Batteiger's presence alone. She also stated that she didn't want to work with him at all and asked about Friday, July 19th as they were both scheduled to work that day. I let her know that I was prepared to offer that day off as PTO and had already anticipated the request. I entered PTO into the schedule for Becker on that day and let her know that we were making the exception for July 19th to allow time to look into her recent allegations, but that I couldn't guarantee that she wouldn't ever be on a call with Batteiger. I reminded her that because the department was already short staffed and with the State Fair coming up the staffing needs were already higher than normal. Becker asked several times what would happen if she refused to work on a day that Dan was scheduled and I advised her that if it came to that, she would be disciplined, most likely with a suspension, but up to termination.

I let Becker know that I would follow up with her before the end of the week and that I would recap our conversation in an email to ensure we had the same understanding. She left my office at approximately 2:30 pm.

AJ-6

July 17, 2024
1:40 pm

RE: Meeting with Sergeant Josh Noyes

I left a message with Sgt Noyes at 12:20 pm today requesting that he call or stop by my office to answer a few questions. At approximately 1:40 pm, he arrived at HR and entered my office. I explained to Sgt Noyes that I was looking for his observations and impressions of the conduct and interactions of some of the PD officers; specifically, Master Officer Dan Batteiger and Master Officer Krysta Becker. I explained that there had been some concerns brought forth about the nature of the interactions between Batteiger and other officers and/or citizens.

I asked Sgt Noyes if he had observed any inappropriate actions or comments on the part of Mst Officer Batteiger. Noyes stated that he had not directly observed any inappropriate behavior between Batteiger and anyone else, however he had indirect knowledge of other forms of misconduct that he felt was highly inappropriate and terminable offenses. Noyes shared that he felt the Police Department in general was slow to make corrections to officer behavior and it often seemed that too many chances were given and/or infractions allowed before any real consequences were enforced. He gave several examples of behavior on the part of Batteiger that he felt had crossed the line and should have been disciplined more severely, including:

- Misuse and deficiencies as K9 officer
- "Stolen" Christmas money with no gifts purchased from night shift donations
- Drugs missing, leading to a DEA investigation
- Inappropriate relationship with victim immediately following service call (within 36 hours)

Sgt Noyes also observed that while he did not agree with the way the situations had been handled, the outcome had been that Batteiger had made significant changes in his behavior and was doing well. He acknowledged that while he did not want to have any connection to Batteiger outside the department, he felt Batteiger was performing well at work and didn't have any continuing concerns about his ability to trust him as an officer of the law. When asked about his willingness to work with Batteiger, Noyes responded that he was confident in Batteiger's assessments and judgement on scene and felt he was a "team player". Noyes mentioned several times that he did not prefer to interact with Batteiger outside of the Police Department, but was completely comfortable working with him.

When asked about his observations on the performance of Mst Officer Becker, Sgt Noyes expressed that he felt conflicted with Becker as they had a friendship outside of work as well as a co-worker and even a direct report relationship within work at one time. He acknowledged that there were some details of Becker's life and performance that were outside the scope of his role as a supervisor/co-worker and he would not share. Noyes stated that he believed Becker to be an excellent police officer but that her mental health had been affecting her performance in the past several months specifically as it related to her interactions with Batteiger. He agreed that there were pieces of information that hadn't been shared that may explain Becker's reaction to Batteiger, but was not able to divulge those details. He was able to disclose that in his opinion, her removal from the sniper role on SWAT had been a major hindrance to her ability to mend her overall performance and attitude at work. He noted that she viewed it as a punishment rather than a tool to reduce stress. When asked about his willingness to work with Becker, Noyes remarked that he felt confident in her abilities as long as Batteiger wasn't around

and she wasn't having a bad day. When pressed, he further explained that on her bad days, regardless of who she was working with, she would get "snippy" with people around her whether it was her fellow officers or citizens involved in the scene.

Sgt Noyes agreed that Mst Officer Becker was not able to be objective about Mst Officer Batteiger. He also agreed with Becker's assessment of his Batteiger's past behavior, but felt that the corrective actions taken by Batteiger had the desired results and his performance as an officer was good. Additionally, Noyes stated that he felt that Becker could get back on track with her performance if she continued her current course of treatment and didn't have any future interactions with Batteiger. He also recognized that was unlikely given the size of the department and the current staffing level.

Sgt Noyes also gave examples of other officers within the PD that had lied in the past, which affected their credibility as officers both in the department and in court and cited examples of misconduct that he felt had not been handled properly. Several examples of issues being "swept under the rug", or inconsistent consequences were given. Noyes said that communication was also lacking in regards to follow-up with information/concerns presented, following the chain of command for conflict, and overall interaction with all officers.

He relayed that he felt strongly that the sworn officers took a vow that required a high level of integrity and character that was lacking for some officers which brought down the morale of the entire department. Noyes relayed that he believed he would most likely spend his career at the City of Minot, and was cognizant that while he didn't agree with every decision from leadership, he liked the department overall. He said that there would always be things that could be improved, but he had been able to achieve his goals up to this point and felt he had the resources and opportunities to continue that path forward. His main concerns for the department and areas of improvement were in Communication, Transparency and Consistency.

Sgt. Noyes left my office at approximate 3:10 pm.

Monica Porterfield
Senior HR Generalist
City of Minot

AJ-8

Monica Porterfield

From: Monica Porterfield
Sent: Wednesday, July 17, 2024 9:16 AM
To: Krysta Becker
Subject: Yesterday's Discussion

Good morning, Krysta.

Thank you for coming to my office yesterday afternoon to speak with me. I wanted to recap our conversation to ensure that we are both on the same page with the current situation and options that we discussed.
Please let me know if there are any areas that you understood differently or have further questions about and we can clarify those together.

You stated that you were uncomfortable with the upcoming shift on Friday as you may encounter Master Officer Batteiger. I advised you that I had anticipated this request and was prepared to enter PTO for you on Friday, July 19th. I had already spoken with Chief Klug about allowing you to use PTO that day as I am still conducting my investigation regarding the concerns you brought forth on Friday, July 12th. While you were in my office, I entered 10 hours of PTO in your schedule for Friday, July 19th. This absence will be considered excused and is not counted as an unscheduled absence. This is a one-time exception and will not be repeated. You asked what the consequences would be if you refused to work on a shift/day that Dan was also scheduled and I stated that you would be disciplined most likely with a suspension or possibly termination.

You were clear that you want to find another job and are requesting that you not have any contact with Batteiger until that time. It is my understanding that currently you and Batteiger are working the same shift, but not on the same days other than a 1 day per week overlap. I have also been advised from Chief Klug that you are not being assigned to the same area of town on those days; however, the limited size of the PD staff and the relatively small size of Minot make it impossible to guarantee that you will not come into contact with him during the regular course of duties. It puts an unreasonable strain on the rest of the department at a time when we are already short staffed with limited scheduling resources. There is no way to ensure that if a situation were to arise that required additional officers, you and Batteiger would not both be present. You expressed concern to me that you would not be able to trust him in a situation like that, yet you have recently stated that you would not assist Batteiger if he were in a physical altercation with someone. I pointed out that you are implying the same behavior in yourself that you are skeptical of in Batteiger. You also stated to me yesterday that you are never sure if he "...has something going on," with some of the criminals you are interacting with and I found that to be very alarming considering there is no evidence provided to support that statement.

As we went over today, the specific interactions at work that you have recounted for me were both situations that occurred several months or years ago and you did not share any negative conduct or exchanges between yourself and Batteiger in the recent months. In addition, after the last exchange several months ago was addressed with Batteiger, there have been no further occurrences that you are able to recount to me. Any interactions that you have had with Officer Batteiger within that time frame were purely coincidental while on duty and you have both kept a wide berth from one another. You also acknowledged that you were not acting professionally while around Batteiger as recently as Thursday, July 11th, during a vehicle/pedestrian accident despite no misconduct or behavior on his part. You were, in your words, "...a dick." I asked what actions or words Batteiger used that was triggering this reaction from you and you told me that you couldn't answer that question. You also admitted that you have other information about Batteiger that you are not willing to divulge. Without all the information, it is impossible for me or anyone else to make the same conclusions that you are reaching. Based on the evidence that has been provided up to this point, any prior concerns have been addressed and there has not been continuing behavior. As much as I would like to understand your position, we can only go off of facts that have been revealed and confirmed.

AJ-9

I would like to receive all of the information in order to do the best job possible at uncovering the truth; however, it is not my intention to coerce or pressure you into revealing information you do not want to share. Your concerns about the integrity and possible sexual misconduct of Master Officer Batteiger are being taken seriously. I will continue to investigate the information you have shared with me so far and will follow up with you again on Thursday, July 18th. The goal of myself and HR is to be able to provide a work environment where you are treated professionally and respectfully by all. I hope that it goes without saying that is the expectation for every officer and employee within the City of Minot.

I am deeply concerned about your well-being, Krysta, and believe that it is in the best interests of the not only you, but the Police Department and the entire City of Minot that we find resolution as expediently as possible. You have shared that you are pursuing employment with the Ward County Sheriff's Office and if that is what you have determined is best for you, I understand and support your efforts. In the meantime, the expectation is that all parties will continue to conduct themselves professionally and follow protocol and policy at all times while on duty.

Once again, please let me know if there is any critical information that I may have missed or misunderstood from our conversations.
I am open to further discussion and want to provide all the resources available to you.

Respectfully,

~Monica

Monica Porterfield
City of Minot, *Senior HR Generalist*
701.857.4756

AJ-10

July 22, 2024
2:00 pm

RE: Investigative Summary with Krysta Becker

Mst Officer Krysta Becker came to my officer per my request from Friday, July 19th. I informed Becker that I had concluded my investigation from the previous week and presented her with the Investigative Summary (attached). She read the summary and I asked her if she had any questions. She stated that there was nothing we could do, but that she could do something and that was to get another job and she was working on it.

I let her know that we had talked to multiple people and that it was our determination that there wasn't any substantial or new information to act upon or warrant further investigation. She acknowledged that she knew we had talked with people and completed an investigation. I asked her if she felt she was able to continue working knowing there wouldn't be any changes to the current schedule or staffing. She stated that she was going to continue doing her job regardless of who was working or what the situation was. I noted that during our conversation last week she had not been able to express that same sentiment and it was a "red flag" when she stated she would not work with Mst Officer Batteiger or assist him if he were in trouble. Becker clarified that she would assist anyone who was in trouble or needed help and would perform her duties as an officer of the law.

Becker also stated that she was continuing to seek employment elsewhere and asked about any future time-off requests as it pertained to her schedule. I replied that any future time-off requests would be weighed solely on the staffing needs of the department and whether or not Batteiger was working would play no part in the decision. She asked if I would put that in writing for her and I agreed that I would.

I informed Becker that she was an excellent officer and the City of Minot was losing a wonderful asset, but I understood that she felt she needed to move on. Mst Officer Becker was calm and composed throughout our meeting. Becker thanked me for my time and left my office at approximately 2:10 pm.

Monica Porterfield
Senior HR Generalist
City of Minot

AJ-11

July 18, 2024
1:35 pm

RE: Phone call with Officer Peggy Pfeiffer

I left a voicemail on Officer Pfeiffer's personal cell phone asking her to return my call and gave her my direct line.

July 19, 2024
1:30 pm

I left a second voicemail for Officer Pfeiffer to return my phone call.

July 22, 2024
9:40 am

Returned Peggy's voicemail and left another message to return call.

July 26, 2024
2:10 pm

Officer Pfeiffer returned my call. I asked about her overall experience within the police department and if there had been any negative experiences with anyone. She stated that she has had a very positive experience and that several officers stood out as being helpful and good teachers. When asked to identify some of the people that had been positively assisting her, she mentioned two names specifically: Jordan Wilkes as an excellent teacher with a good attitude, and Dan Batteiger. I stated to Peggy that as a police officer, the department was generally dominated by males and I wanted to ensure that she wasn't experiencing any discrimination or harassment. Officer Pfeiffer stated that she had been pleasantly surprised by the atmosphere at the Police Department and had no concerns whatsoever. She said that she appreciated the follow up on the part of HR and was glad we had reached out.

AJ-12

hr@minotnd.gov
www.minotnd.org

City of Minot
Human Resources

July 19, 2024

Krysta Becker
Master Police Officer
Minot Police Department

RE: Allegations against Master Officer Dan Batteiger

Beginning on Friday, July 12th, you reported to Brittany Thurston, Senior HR Generalist, that you had concerns about your safety at work and the conduct of Master Officer Dan Batteiger. You restated those concerns to me on Monday, July 15th and again when we met on Tuesday, July 16th. During these meetings, you cited several examples of his behavior that you felt were sexually inappropriate towards yourself and/or other officers. In addition, you indicated a lack of integrity on the part of Batteiger within the Police Department.

All allegations are taken seriously and it is the intention of the Human Resource Department to thoroughly investigate all claims of misconduct as it relates to the employees of the City of Minot. After interviewing the parties involved, there were no assertions by any party of unwanted or inappropriate actions or comments on the part of Batteiger other than your complaint regarding sexual comments made in an isolated incident approximately 2 years ago. In addition, based on all the information provided and upon review of personnel files, we have determined that while Batteiger has had performance and policy violations in the past, all issues have been previously addressed by the leadership team of the Police Department and corrective measures were taken. By all accounts, Batteiger has responded appropriately to these measures. While you may not agree with the decisions made in regards to Mst Officer Batteiger's past performance, there is no evidence to support further corrective or disciplinary action at this time.

In regards to your work assignments and performance management conversations with the leadership team at the Police Department, it has also been determined that the actions taken were in the interests of providing the best possible environment for your success. Your contributions to the Police Department and City of Minot as a whole are valued. It is our expectation that all parties move forward in a professional and mutually beneficial manner.

Sincerely,

Monica Porterfield
Senior Human Resource Generalist
City of Minot

701.857.4756
PO BOX 5006
Minot ND 58702

AJ-13

July 18, 2024
1:30 pm

RE: Phone call with Sergeant Taylor Jensen

I reached out to Sgt Jensen to see if she was available to answer some questions for her. She stated that she was at the Vet's office but would either call me back or stop into the office once her visit was complete.

July 18, 2024
2:15 pm

Sgt Jensen stopped into the HR office while we were engaged in a virtual meeting. Lisa Jundt met with Sgt Jensen and provided a report to me of their conversation. (Attached)

AJ14

July 17, 2024

Discussion with Sergeant Taylor Jensen concerning potential issues with Master Officer Dan Batteiger.

- Sergeant Jensen stated she does not currently work the same shift with Officer Batteiger; however, she has not had any recent issues with him on patrol when she has come into contact with him.
- Sergeant Jensen relayed issues concerning Batteiger's personal/marital problems from the past which have since been resolved. She also mentioned issues concerning Officer Batteiger's relationship with a victim for which he was disciplined, and other issues that he has been disciplined for.
- Sergeant Jensen stated she is aware Officer Battegier has lied to other officers in the past and has several disciplinary actions against him. She does not understand the progressive discipline that was used for Officer Batteiger's past issues and believed it was not severe enough. She stated other officers in the department felt the same.
- She relayed that she had provided documentation in the past to Lieutenant Chapman concerning Officer Batteiger's mishandling of the canine in his care. She knows this has been resolved with the canine no longer in Batteiger's control.
- Sergeant Jensen said she knows Officer Krysta Becker has a high moral standard and has had issues with Officer Batteiger in the past. Sergeant Jensen, however, stated she did not understand why Officer Becker could not find a way to work with Officer Batteiger despite her issues.
- Sergeant Jensen said she is not aware of any other officers having recent issues with Officer Batteiger and/or his work performance.
- Sergeant Jensen said she would not have a problem working with Officer Batteiger and always keeps her interactions professional with all her co-workers.

Lisa Jundt

Lisa Jundt

Officer 2 and Officer 3 (both prior Minot PD officers, current FOP reps) #2 Kirton #3 Aaron Kassian Moss

- During this first meeting I met with the local chapter and state Fraternal Order of Police reps. They spoke about multiple issues within the department – both explained different issues that ultimately forced them to make the decision to leave the department.
- Both of these officers were with Minot PD for a long time – both had no issues prior to Chief Klug taking over the PD. Both previous officers pointed out inconsistencies with discipline, getting in trouble for small things (one of the officers was the community outreach officer and had been for 4-5 years....he received a reprimand for scheduling the PD to be at the second Juneteenth event here in Minot...was called into Cpt Sundbakken's office and told that he needs approval before they get the dept. into events that could be considered controversial – asked why this event would be controversial – no answer given), lack of support for the officers from brass (they just sit in their offices or are never there), poor communication from upper leadership and the 'changing goalposts' that is the promotions board within the department.
- The FOP reps also handed me a letter from the FOP detailing the issues they see with the department. Most of the issues listed on the FOP letter were with regards to officer's wage changes, PTO/OT changes, insurance changes, etc. Item 3 is attached.
- Both prior officers indicated that current brass does not like to be questioned or have to answer any how/why questions. Cited a few personal instances where either of them would ask Chief or Cpt Sundheim about maybe looking at changing something or adding a new policy that would help with efficiency, job duties etc. – always met with "this is the way we've always done it." If they asked to many questions or suggested to "harshly" about why brass didn't think it would work, they would be reprimanded by brass or yelled at.
- Both officers spoke about the lying that went on while they were in the department. Some people would be fired for lying (Clouse and Wilke both fired for lying to chief) and other officers such as Summerville and Batteiger who were not fired for lying but only suspended. They indicated how bad things like this would crush the moral of younger officers.
- Officer #2 worked for the Minot PD for 5 yrs and achieved the rank of MO, with the ND Highway Patrol for 8 years prior and with Bottineau County Sheriff's Dept for the last couple years. He was trained with the NDHP in crash reconstruction. Officer #2 spoke at length about how the 4-year assignment rotation has hurt the department. He mentioned officers Stef Letz (Det) who recently left the department because she was about to be rotated out of her detective assignment and moved back to patrol. He also mentioned Jay Haaland who was forced out of his SRO job and moved back to MN to become a cop. Officer #2 mentioned that the Chief never asked for any input on this policy change when instituted. Had they been asked they would have informed Chief that a lot of officers aren't in favor of it, because "while some officers are great at being a detective or on patrol, others may not be and so when they find a position that they are good at, usually they don't want to transfer out and do something else". I question why we would take a leading detective or patrol officer who is fantastic at their job and doesn't want to do a different job, and force them to do something else...kind of like forcing officers who don't trust each other to work with each other. Seems to be very little regard for what the officers actually think or feel.

2)

- Officer #2 said he ultimately left the department because he could see the lack of communication/support, poor communication and selective promotion process that passed over many good officers. He mentioned that he tested for Sgt. 2 times. The first time he was #4 on the list and they promoted 2 people....so he didn't make it. The second time he was #3 on the list, they promoted 6 people that time, but he was passed over. No reason given, no explanation of deficiencies in officers file or reviews. He said he could see that if you weren't in "Chief's group" you would not make promotion board at Minot PD.

3)

- Officer #2 spoke about inconsistent discipline procedures as well...he spoke about frivolous write ups of Sgts. Jensen and Foley and SO Olsen, but other officers weren't written up or discipline for the same offenses.
- Officer #2 discussed his extensive experience in crash reconstruction and the specialized training he received while serving with the North Dakota Highway Patrol (NDHP). Upon joining the Minot Police Department (PD), he noted that the department lacked expertise in this area. Following a tragic incident involving a pedestrian fatality near Jim Hill, in which Officer #2 was not called upon to assist with the reconstruction, Captain Sundheim requested his help in developing a crash reconstruction policy akin to the NDHP's. Officer #2 dedicated significant time and effort to crafting a policy, largely based on the NDHP's framework, at Captain Sundheim's behest. Although he submitted the policy to Captain Sundheim, it was never discussed further. This situation underscores a concerning lack of follow-through and support from department leadership.

ITEM #3 - 3)

SOURIS VALLEY REGIONAL LODGE #7
FRATERNAL ORDER OF POLICE
P.O. Box 4147, Minot ND 58702-4147
Email:sourisvalleyfop@gmail.com

To: All Concerned Parties

04/09/2021

From: Aaron Moss
President
NDFOP – Souris Valley Regional Lodge #7

RE: NDPERS Public Safety Pension Plan

To All Concerned:

I write the letter on behalf of the members of the North Dakota Fraternal Order of Police – Souris Valley Regional Lodge #7, who are also employees of the Minot Police Department, in support of adoption of the NDPERS Public Safety Pension Plan.

Nationwide efforts to recruit and retain quality employees in the profession of policing has unquestionably fallen off. In fact, the National Lodge of the Fraternal Order of Police estimated that law enforcement recruiting nationwide was down 60% in 2019. There can be no doubt that 2020 saw similar or worse performance in this area vital to public safety. The Minot Police Department has not been immune to these troubling trends in recruiting and retention. Time-and-again, for those officers leaving employment with the City of Minot, but staying in the profession, the desire to seek better benefits packages in other agencies is a leading reason for an early departure.

While no single compensation/benefit change can be expected to be the magic wand in reversing this trend, improvement in the area of the pension benefits would demonstrate a very real commitment to improvement to employee benefits and send a strong message that our membership's efforts in serving the Magic City are appreciated. To those responsible for making the applicable budgetary decisions, the appearance of immediate savings from slightly less expensive plans can be a strong motivator in adopting less favorable pension programs. However, the perception of savings from this type of decision quickly evaporates when the expenses, in the hundreds of thousands of dollars, of constantly training new police officers and firefighters gets tallied.

Further, with the high rate of turnover experienced by Minot's public safety departments, the median experience level of its police officers and fighter fighters remains low. While keeping employee allotment numbers staffed is a challenge in and of itself, when those positions are filled with inexperienced law enforcement officers, the public simply doesn't enjoy the benefit of the level of policing a more veteran and happier police department provides. Improvement in benefits packages, and in this case adoption of the NDPERS Public Safety Pension Plan, is a step in the right direction in slowing the unfavorable trend of watching the training and experience gained by police officers, paid

President: Aaron Moss
Vice-President: Roger Hutchinson
Secretary: Aaron Bowles
Sgt-At-Arms: Ann Millerbernd
2nd Vice-President: Greg Johnson
Treasurer: Aaron Moss
Lodge Trustee: Kenton Kassian

SOURIS VALLEY REGIONAL LODGE #7
FRATERNAL ORDER OF POLICE
P.O. Box 4147, Minot ND 58702-4147
Email:sourisvalleyfop@gmail.com

PATRICK YOES
NATIONAL PRESIDENT

MITCH WARDZINSKI
ND STATE PRESIDENT

for by the residents of the City of Minot, leave for other law enforcement agencies and different professions.

Based upon the forgoing Lodge #7 strongly supports the adoption of the NDPERS Public Safety Pension Plan as part of the benefits package for the City of Minot's police officers and firefighters.

If anyone wishes to discuss this further we are happy to meet with you at your convenience.

Respectfully submitted.

Aaron Moss
President
NDFOP - Souris Valley Regional Lodge #7

HR Director, Lisa Jundt, Response to Officers 2 and 3- Kenton Kossan (2) and Aaron Moss (3) comments

Responses address numbered bullet points from information provided by Officers #2 and 3

1.) Note, Officer Clouse was terminated 12/7/2017 by former Chief Olson. Clouse's personnel file has been destroyed according to state retention records. Sergeant Wilk was terminated on 10/18/2021 by Chief Klug. His Disciplinary record is being provided separate from this response with other disciplinary actions for review and comparison.

2.) Both promotional lists mentioned by Officer Kossan were used for three promotional positions each. The ordinance allows for the top three (3) candidates to be certified for the first vacancy and two (2) candidates for each additional vacancy thereafter. The lists allowed for seven (7) applicants to be certified to select from. The hiring process and ordinance were followed appropriately. **See Exhibit AD – Sergeant Promotional list for June 2020. Exhibit AE – Sergeant Promotional list for May 2022. Exhibit AF – Personnel ordinance excerpt.**

3.) There are no letters of counseling, letters or reprimand or any disciplinary memos in the personnel files for Sergeant Jensen or Officer Olson so this information is incorrect. Sergeant Foley's discipline has been addressed in the interview complaint he provided as Officer #8.

Police Sergeant
June 2020

			10 points		10 points		15 points (1400 x .01071429)		32.5 pts (100 x 0.325)		32.5 points (300 x .10833)	100 pts	
Last Name	First Name	Service Time	Service Time Pts	Education	Education Calcualted	Training Hours	Training Calculated	Written Test	Written Test Calculated	Interview	Interview Calcualted	Total	Placement
Strandemo	Cole	9y	9	Bachelors (124 credits)	10	1869	15.0000	74	24.050	190.00	20.5827	78.6327	1
Laudenschlager	Erik	10y	10	Associates (62.5 credits)	5	1502	15.0000	74	24.050	218.00	23.6159	77.6659	2
Moss	Aaron	16y	10	Associates (64 credits)	5	1800	15.0000	81	26.325	190.00	20.5827	76.9077	3
Johnson	Shane	9y	9	Bachelors (133 credits)	10	1261	13.5107	76	24.700	176.00	19.0661	76.2768	4
Kossan	Kenton	5y	5	Bachelors (120 credits)	10	1936	15.0000	74	24.050	194.00	21.0160	75.0660	5
Pappenfus	Matthew	7y	7	Bachelors (102 credits)	10	1140	12.2143	82	26.650	156.00	16.8995	72.7638	6
Zifchock	Stephanie	6y	6	Associates (87 credits)	5	1097	11.7536	66	21.450	162.00	17.5495	61.7530	7
Casarez	Andres	7y	7	Associates (72credits)	5	1187	12.7179	55	17.875	170.00	18.4161	61.0090	8

440 hours credit to Casarez & Pappenfus for Academy Training hours.

List was used for 3 promotions was able to certify top 7

Cole Strandemo promoted 8/2/20

Charles Johnson promoted 6/18/21

Matt Pappenfus promoted 6/20/21

Ex 194 of 194

SERGEANTS ASSESSMENT SCORING

	1							2					3												4		RANK
Name	Service	Service % (100% Max)	Training	Training % 100% max)	Education	% (100% max)	Avg %	Int 1	Int 2	Int 3	Int. Avg	Int. Factored	Scenario 1 Scores State's Attorney (100 total points)			Avg	Scenario 2 Scores Counselling (100 total points)			Avg	Scenario 3 Scores Dealing with Public (100 total points)			Avg	Total Scenario Avg %	Cumulative Score	Cumulative Score Average	
Caisee Sandusky	14.18	100.00%	1504	100.00%	129	100.00%	100.00	40	42	35	39	78.00	82	98	74	84.66667	72	76	77	75	82	94	94	90	83.22	261.22	87.0740741	1
Ross Lakoduk	9.58	95.80%	1451	100.00%	132	100.00%	98.60	35	41	32	36	72.00	83	99	84	88.66667	74	65	76	71.66667	83	88	91	87.33333	82.56	253.18	84.3951852	2
Kenton Kossan	7.49	74.90%	2034	100.00%	197	100.00%	91.63	42	40.5	36	39.53333	79.07	70	94	65	76.33333	84	83	86	84.33333	85	91	83	86.33333	82.93	253.03	84.3444444	3
Aaron Moss	18.11	100.00%	1897	100.00%	77	60.16%	86.72	43	41	36	40	80.00	71	98	68	79	84	84	90	86	88	90	90	88.66667	84.56	251.27	83.7581019	4
Taylor Jensen	9.77	97.70%	1045	74.64%	128	100.00%	90.78	42	39.5	39	40.16667	80.33	60	95	79	84.66667	64	67	60	63.66667	88	87	91	88.66667	79.00	250.11	83.3714286	5
Robbie Sumlin	7.83	78.30%	1002	71.57%	121.5	94.92%	81.60	43	41.5	36	40.16667	80.33	59	96	67	74	71	73	78	73.33333	83	90	92	88.33333	78.56	240.49	80.1627189	6
Andy Casarez	8.98	89.80%	1418	100.00%	72	56.25%	82.02	39	40.8	35	38.26667	76.53	73	94	71	79.33333	75	71	75	73.66667	89	92	93	91.33333	81.44	239.99	79.9981481	7
Jacob Olson	6.56	65.60%	1439	100.00%	136	100.00%	88.53	35	39.4	32	35.46667	70.93	69	98	79	82	75	70	80	75	85	79	81	81.66667	79.56	239.02	79.6740741	8
Andy Mehlhoff	9.59	95.90%	1004	71.71%	120	93.75%	87.12	40	38	32	36.66667	73.33	76	99	80	85	62	64	64	63.33333	82	85	87	84.66667	77.67	238.12	79.3738095	9
Stephanie Lentz	8.54	85.40%	1194	85.29%	90	70.31%	80.33	35	40	32	35.66667	71.33	76	97	75	82.66667	83	81	90	84.66667	86	91	94	90.33333	85.89	237.55	79.1849868	10
Alex Nelson	6.79	67.90%	830	59.29%	125	97.66%	74.95	41	39.5	35	38.5	77.00	76	98	76	83.33333	64	65	70	66.33333	87	92	94	91	80.22	232.17	77.3898479	11
Krysta Becker	6.79	67.90%	1103	78.79%	74	57.81%	68.17	42	39.6	35	38.86667	77.73	73	99	81	84.33333	56	63	58	59	77	88	86	83.66667	75.67	221.57	73.8553571	12
Brian Williams	5.8	58.00%	844	60.29%	23	17.97%	45.42	39	41	34	38	76.00	72	98	60	76.66667	59	69	66	64.66667	84	92	90	88.66667	76.67	198.08	66.0282758	13
Shane Adelman	5.8	58.00%	847	60.50%	0	0.00%	39.50	40	39.5	33	37.5	75.00	76	95	70	80.33333	61	55	56	57.33333	82	88	86	85.33333	74.33	188.83	62.9444444	14
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0	
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0	
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0	
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0	
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0	
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0	
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0	
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0	

List was used for 3 promotions
was able to certify top 7

Caisee Sandusky promoted 6/5/22

Taylor Jensen promoted 12/4/22

Robbie Sumlin promoted 12/17/22

Exhibit 47

Personnel ordinance Exhibit AF

to each position, based upon the contents of the job description pertaining thereto, including specifically the minimum qualifications stated therein. The tests may be written, oral, physical or in the form of a demonstration of skill or any combination of these. The tests and criteria shall be designed to evaluate elements of training, experience, aptitude, knowledge, character, personality, skill, physical fitness or other qualifications. In any event, the tests and criteria to be administered must be reasonably designed to relate positively to actual job performance with respect to the position for which the tests are given and the criteria applied, in order that the tests shall not serve as a means whereby job applicants are unlawfully discriminated against on the grounds of race, color, religion, sex, age or national origin.

(d) The commission shall rank applicants one against the other based upon the results of the tests referred to in subsection (c) and the list of the names of the applicants set forth in the order of their respective rankings, with the highest ranked first, shall constitute the eligibility list for the position for which the tests were administered. The appointing authority may consider for appointment three (3) names on the list for the first vacancy to be filled, plus two (2) names for each vacancy thereafter, but the names subject to consideration for appointment must be selected in consecutive numerical order commencing with the first.

(e) The commission may provide with respect to certain classes of positions that no tests of the type provided for in subsection (c) be administered, as when, for example, the position requires as a prerequisite that the applicant possess a professional degree or professional credentials. Likewise the commission may provide that certain positions be filled by the appointing authority on the basis of personal interviews only, because the nature of the position does not easily permit the applicant to be evaluated in an objective manner, but rather selection must take into account intangible aspects of character and personality.

(f) If in the judgement of the commission it will promote the efficiency of the service to maintain permanent eligibility lists with respect to some positions it may do so, without prejudice, however, to the right of the appointing authority at any time to require that a new eligibility list be established with respect to a position wherein there is a vacancy which the appointing authority wishes to fill. The permanent eligibility list may either be frozen or floating. That is, a frozen list is one to which no new names are added until some predetermined event occurs such as the number of the names on the list dropping to a certain prescribed level or after the passage of a prescribed period of time. A floating list is one in which names are added and ranked from time to time as persons submit applications for employment and take examinations, which procedure the commission may authorize even though no vacancies may exist in the positions for which employment is sought. If the commission does establish a permanent eligibility list it may strike names therefrom at any time upon its determination that good cause exists to do so. The nature of such good cause shall be established by the commission by appropriate rules and regulations but at a minimum these rules and regulations will provide that the name of a person on a permanent eligibility list shall be struck if that person:

(1) Obtains city employment,

(2) Refuses an offer of city employment,

(3) Can no longer be contacted after a reasonably diligent effort to do so,

(4) Can no longer meet minimum qualifications for the position to which the list refers,

(5) Requests elimination from the list, or

(g) The director shall have the authority to prescribe the contents of job application forms. As part of the initial job application process he may make a determination whether the applicant meets certain minimum employment standards which by way of rules and regulations established by the commission shall be imposed upon all job applicants irrespective of the position applied for. The minimum employment standards may include, by way of example, a requirement that the applicant be literate in the English language or that the applicant shall never have been convicted of a felony. However, such standards must be reasonably job related so that they do not serve as a means of unlawful discrimination against job applicants on the grounds of race, color, religion, sex, age or national origin. An applicant who cannot meet all the minimum employment standards shall not be considered further

Officer #4 (current MPD Sgt) – Referred to as Sgt X Josh Noyes

- 12 yr PD officer – promoted to Sgt. X
- Sgt X spoke about issues he sees within the Minot PD – again – inconsistent discipline (from brass and even some lower-level officers), Absent leadership – never around, no support for lower grades, brass is not open to suggestions or criticism at all, the brass "doesn't seem to have time for lower officers". Chief and Cpt Sundheim do not like to be challenged at all...if officers speak up and they don't like it, will be given shitty assignments, removed from duties/teams they've been assigned to etc. – basically said that bras doesn't want to hear from the lower grade Sgts/officers.
- Sgt X also spoke about the 4-year assignment rotation that was put into place under chief Klug. Indicated it is quite unpopular amongst the officers.
- Sgt X spoke about one particular incident that happened within the department prior to MO Pat Blanchard's suicide. MO Blanchard was at an event at a bar and had been drinking with other officers (I believe it was a going away or retirement party). During the party SWAT was called out and although he had been drinking – MO Blanchard got in his car and headed towards the scene. As he was attempted to drive to the call out, MO Blanchard was involved in an accident where he ran into a building and popped 2 tires on his vehicle. He left the scene of that accident and headed back to the Minot PD garage to attempt to change his tires. While in the garage working on the tires, Sgt Ruell finds him intoxicated and attempting to change his car tires. Sgt Ruell speaks with MO Blanchard, decerns what had happened and reports this all to Lt. Houge. At this point it is believed that Lt. Houge informs brass of what has taken place. The next day Sgt Ruell is called into Cpts office and told they would not be proceeding with DUI, hit and run or any other offenses MO Blanchard may have been involved in from the incident the night before. Officers within the department were stunned he said...as most were aware of what happened and new there should have been some formal punishment. Nobody was told why he wasn't being punished and so they lack of transparency and the 'non punishment' really hit the moral within the PD.
- Sgt X spoke a bit about MO Batteiger and some of the issues and was unsure why we would keep officers with ethical issues on the department. This was the second time the 15.7 grams of DEA heroine that was lost, was brought up. He brought up officer Summerville who had lied numerous times in the dept as well....has been suspended but not fired. I can see the fact that other officers lie really bothers the officers both past and present.
- It was at this point I went and started speaking with Stef Stalheim, the city attorney, and asked what she knew about the missing drugs. She indicated that the Thursday right before Labor Day weekend was the first time she'd heard about this (the drugs were lost somewhere between Feb-Nov. 2023). Stalheim and I asked for the investigation report into the lost drugs and MO Batteiger's personnel file. We read through both and were quite surprised at some things said in the investigation report and the lack of letters of discipline/counselling in his file. As I'd been told there were several write-up offenses. It was at this time we were made aware of 'shadow files' held within the Minot PD by command staff. Stef Stalheim requested all of those MO Batteiger files from Minot PD command staff. Both internal investigation report and Chief's letter of discipline are attached to this file for reference as items 4 and 5. I would also recommend reviewing the write up for MO Batteiger with regard to the 2022 'sleeping with a victim of DV'.

- Sgt. X also mentioned several other write-ups for MO Batteiger, that were known throughout the department – he said there are 6-7 writeups on MO Batteiger that happened before the 'sleeping with the victim' writeup and before the 'lost drugs' incident (timeframe would be 2022-2023. He mentioned that Sgt. Y (another K9 Sgt) had written a letter to Cpt Sundheim and Chief to detail some of the issues and problems with MO Batteiger as related to his K9 training issues. Cpt Sundheim looked at the letter and told Sgt. Y she lacked supervisor maturity for pointing out the issues. Again – made mention of how that affected moral within the department.
- Sgt. X mentioned multiple times the lack of communication within the department. These incidents varied from why certain things were happening within the department to reasons for writeups/discipline to suggestions/committees giving recommendations (asked for by brass) and nothing ever happening. Sgt. X indicated that most of the junior officers don't feel the brass even knows who they are, let alone care about what they think. He told me that 2023 annual personnel reviews had not been done for the department (other than detectives – Cpt Plessus). These would have fallen to Cpt Sundheim and Cpt Sundbakken (to a lesser degree) He said "they don't even care to tell us if we are doing a good job or not..."
- Sgt. X also mentioned that there is no 'follow through' from the senior brass nor much support of any kind.
- I asked Sgt. X what he thought would help fix things within the department. Here were Sgt. X's responses:
    - Clear guidance from brass. Be around/seen and interact with the officers in the dept. Chief micro manages a lot of things and so decisions never get made. NO DECISION CAN BE MADE WITHOUT CHIEF'S OK.
    - Get rid of the politics that happen within the department – it is crushing moral
    - Allow officers to do their jobs, instead of telling them not to take action. Give officers latitude and guidance while allowing to make some decisions.
    - Lay out clear criteria for advancement/promotion instead of the moving target they have now. Quit promoting people that aren't good leaders just because they've been there for 10+ years.
    - Implement some of the CPSM suggestions that were delivered a few months ago. Nothing has been done with those...why did we pay for the study?
- Sgt. X finished up our meeting by telling me about 2 things. First, SWAT is not used at all. Cpt Sundheim will not let SWAT be deployed for anything in the city. "It looks bad to have SWAT running around out there". The training has turned south because they all know nobody will call them out for anything. They used to go serve drug warrants, but that has changed and they have only been called out 3 times in the last 3 years. Nobody understands why they aren't used, but it hurts moral. Sgt. X wondered what the point in having a SWAT department if you never use them?
- Lastly, Sgt. X told me about issues in Dispatch - this was the first time anyone had brought this up. He said if you wonder why the city can't keep any dispatchers, it's because the same thing is happening there that happens in the PD. He mentioned how the PSAP (Margaret) is a very harsh supervisor, she talks poorly about dispatchers to other dispatchers and PD, she retaliates against people and the supervisors have very little training...no guidance from PSAP. He also mentioned that when only two dispatchers are on shift due to staff shortages,

they are required to work 12-hour shifts without taking lunch breaks unless they use PTO. To cover their lunch, another dispatcher must be called in, which effectively discourages taking their lunch break. Most stand or sit at their desk and eat while working. This arrangement seems highly questionable, potentially violating labor laws and exposing the city to legal liability,

HR Director, Lisa Jundt, Response to Officer #4– Josh Noyes

Responses address numbered bullet points from information provided by Officer #4

1.) Sergeant Noyes and the rest of the department assume there was not disciplinary action taken against Officer Blanchard for the SWAT call-out related incident. That is incorrect as Officer Blanchard was suspended for 2 days without pay and was removed from his SWAT duty assignment for several months. **See Exhibit V-Blanchard Investigation and Disciplinary Action.**

Exhibit V-1

City of Minot

Police Department

June 4, 2021

Report of Findings and Discipline
Patrick Blanchard, Senior Police Officer
Internal Investigation # 21-9

On May 16, 2021, you responded to a page for a SWAT Team callout and responded to the PD. The page was ultimately cancelled, but you did not receive that information and continued to the police department. While on the way, you experienced a flat tire and drove into the sally port located off the southeast corner of the police department. You began changing the tire and two fellow officers stopped in and were assisting you with the tire.

At some point in that process, Sgt. Ruelle entered the sally port and observed the tire and sensed an odor of an alcoholic beverage coming from your breath. He pulled you into the booking room and conducted a breath test using a preliminary breath test Intoxolizer. Not only did your result show you were still under the influence of alcohol, but you also admitted to consuming alcohol up to about 2 hours prior to the callout being received.

A detailed accounting of all facts in this internal investigation can be reviewed in the attached report completed by Lt. Matt McLeod, Office of Professional Standards. The findings and discipline imposed is outlined below.

Findings: The actions by Officer Patrick Blanchard on May 16, 2021 while responding to report for duty at the police department led to the following violations of Minot Police Department Policy being **sustained** and are the basis for the disciplinary action in this case.

- Policy 322 – Standards of Conduct
  - 322.5.9 – Conduct

    a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

    (b) Violation of federal, state, local or administrative laws, rules or regulations. any member of this department or the City.

    (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the Member's relationship with this department.

- Policy 1002 – Drug and Alcohol-Free Workplace
  - 1002.2 Policy
    It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

The Guidelines and Procedures for the Minot Police Department Drug and Alcohol Testing program and City of Minot Employee Manual shall be followed.

- Minot Police Department Drug and Alcohol Testing program:

  3. Covered Employees: All Minot Police Department employees are included for safety and security reasons.

  4. Prohibited Substances: No Minot Police Department employee shall use alcohol while on duty or within 4 hours prior to going on duty. Employees who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance. Employees subject to recall are reminded that they are to be in conformance with this policy when reporting for duty.

Discipline: As a result of these findings, I impose the following disciplinary action:

- Officer Blanchard will be suspended without pay for 2 days (20 hours).
- Officer Blanchard is suspended from all SWAT related activities until October 1, 2021.
- Officer Blanchard will be suspended from all SWAT callouts until January 1, 2022.
- A copy of this letter will be placed in the personnel file of Patrick Blanchard in the Chief of Police's Office and in the City of Minot Human Resources Office.

John Klug, Chief of Police — Date: 6/4/2021

I have been given a copy of this disciplinary decision.

Patrick Blanchard, Senior Officer — Date: 6/4/21

Witnessed by:

Justin Sundheim, Captain — Date: 6/4/2021

V-3

Optional waiver:

I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

Patrick Blanchard, Senior Officer

Date 6/4/21

V-4

Minot Police Department

INTERNAL INVESTIGATION

Internal Investigation 21-9

RE: Complaint and report of misconduct

Employee:	Officer Pat Blanchard
Source of Complaint:	Letter from Sgt. Ruelle
Interviewed:	Pat Blanchard, Tyler Ruelle, Shane Haug, Steve Schoenrock, Jarred Shaw
Complaint Date:	May 16, 2021
Investigation Date:	May 17, 2021 to May 24, 2021
Investigator:	Capt. Dale Plessas – Minot Police Department

Synopsis:

Sgt. Tyler Ruelle wrote a letter to Lt. Haug and Lt. McLeod, reporting his observations regarding Officer Pat Blanchard, reporting to a SWAT call while under the influence of alcohol.

A synopsis of the letter:

> The letter outlined the events leading Sgt. Ruelle to believe that Pat Blanchard drove to the Minot Police Department and was reporting to duty, while under the influence of alcohol. On May 16, 2021 Sgt. Ruelle observed a small white SUV parked in the police department sally port. He also observed Officer Washington, Shaw, Lynn, and Blanchard who were working on changing the right front tire. Sgt. Ruelle approached and asked Blanchard what happened. Blanchard advised him that the tire went flat while he was driving to the Police Department. Sgt. Ruelle indicated that Blanchard was responding to the Police Department due to a SWAT activation. Sgt. Ruelle could smell the odor of alcoholic beverage and could see that Blanchard had blood shot and watery eyes. Blanchard admitted to drinking earlier in the evening at a co-worker's birthday party. After consultation with Lt. Haug Blanchard submitted to a screening test. Sgt. Ruelle reported the results of the test as .11. Sgt. Ruelle instructed Blanchard to get a ride home.

Background:

The Minot Police Department sent out a hyper reach message for SWAT team members to respond to the Minot Police Department on May 16, 2021 at 00:19 hours in reference to an assistance call from the Rolette County Sheriff's Department. A Cancellation message was sent out at 00:29 hours.

Minot Police Department

Some members of the Police Department and SWAT Team attended a surprise birthday party for a co-worker at Saul's Bar on the evening of May 16, 2021. Officer Washington, Shaw, and Lynn were working on patrol and in uniform at the time these events.

Summary of investigation:

I obtained a copy of Sgt. Ruelle's letter outlining this incident. I interviewed Officer Blanchard, Sgt. Ruelle, Sgt. Schoenrock, Officer Shaw, and Lt. Haug. I downloaded and reviewed surveillance footage from the Minot Police Department sally port exterior, sally port, and booking room cameras. I obtained a copy of the incident report for the SWAT Team page (reference 21-13558).

This investigation determined the following:

On May 15, 2021 - 1845 hours - Officers and members of the Minot Police Department SWAT team attended the surprise birthday party of a fellow officer at Saul's Bar located in downtown Minot. Pat Blanchard and Steve Schoenrock attended this party. Blanchard and Schoenrock's statements were consistent in that he arrived around 1845 to 1900 hours.

Blanchard indicated he had not been drinking before arriving but while at Saul's Bar he consumed two Old Forester 1910 Bourbons (both singles), three or four Coors light beers, and a fruity drink of some sort (he did not know what it was). Sgt. Schoenrock indicated he could not remember what Blanchard had to drink but stated "[Blanchard] had a drink in his hand pretty much the whole time and it looked like he was having a decent time." Sgt. Schoenrock indicated he could not tell if Blanchard was intoxicated. He indicated Blanchard was consuming regularly but did not act out of line in any way that would be conceived as intoxicated. Sgt. Schoenrock did not know how long Blanchard was at the bar but stated he was there for "quite a while".

Blanchard stated he stopped drinking at around 2230 hours and left the bar at 2300 hours. He went home and went to bed. He was woken by the SWAT page at 0019 hours. Blanchard knew that this was a SWAT team activation and not a training. He got dressed and took his girlfriend's vehicle with the intent of responding to the Police Department for the SWAT call. Blanchard stated he did not feel intoxicated at this time. Blanchard said while on his way, the vehicle suffered a flat tire while going through a construction zone. He said this was about three blocks from the Police Department, so he decided to limp it in. By the time he arrived at the Police Department the SWAT call had been cancelled. Blanchard did not know that the SWAT call had been canceled until after his arrival at the Police Department.

Blanchard arrived at the Police Department at 00:34 on May 16, 2021. This was roughly two hours after he had consumed his last drink at Saul's Bar. Officer Washington and Shaw assisted Blanchard in replacing the tire. Officer Shaw indicated he did not notice any odor of alcohol on Blanchard but indicated, "I wasn't really looking for it to be honest." While in the process of replacing the tire, Sgt. Ruelle, who was working as a field supervisor, observed the sallyport door was open and a small white car was inside. The car was later determined to be Pat Blanchard's girlfriend's White Nissan Rogue. Sgt. Ruelle observed Officer Lynn, Washington, Shaw, and Blanchard replacing the tire on this vehicle. Sgt. Ruelle entered the sally port at 00:38 hours. Sgt. Ruelle indicated that he asked Blanchard what

happened and while Blanchard was explaining, he could immediately smell the odor of alcoholic beverage. Sgt. Ruelle characterized this as "not knock you on your butt strong but strong enough where I noticed it immediately". He said he observed that Blanchard's eyes were glossy and had a redness which he characterized it as a "condensed" redness. He said Blanchard's speech pattern was different. He said it seemed like he was speaking very short, intentionally, to avoid give the appearance that his speech was slurred.

At 00:39 hours Sgt. Ruelle instructs Blanchard to follow him to the booking room. Officer Becker was working on paperwork in this room. Sgt. Ruelle asked her to relocate to a different area. Sgt. Ruelle then retrieved Lt. Haug who was at the department due to the SWAT call.

Lt. Haug asked Blanchard some questions. Blanchard admitted to drinking earlier in the night but indicated he did not feel impaired. Lt. Haug indicated he could not smell any alcohol at this point and did not detect slurred speech. He said Blanchard was a little "Standoffish". Lt. Haug indicated he did not feel that Blanchard was intoxicated. He indicated he asked Blanchard to take a PBT test. Blanchard agreed and he instructed Sgt. Ruelle to complete the test. Lt. Haug left the Briefing room prior to the administration of the test. Sgt. Ruelle completed the test and advised Officer Blanchard that the results were .11. Sgt. Ruelle was uncertain if he showed Blanchard the results but according to Blanchard and the review of video, he did not. Sgt. Ruelle instructed Blanchard to have someone move his vehicle and find a ride home.

Blanchard had Washington park his vehicle and received a ride home from Matt Pappenfus.

Sgt. Ruelle notified Lt. Haug of the results of the PBT.

Timeline from statements and video surveillance:

May 15, 2021

- 1845 -1900 -Officer Blanchard arrived at Saul's Bar.
- 2230 -Blanchard stops drinking
- 2300 -Blanchard went home from the bar and went to bed.

May 16, 2021

- 0019 -SWAT Team is paged via Hyper Reach.
- 0029 -SWAT Team page is canceled via Hyper reach.
- 12:34:30 -White Nissan Rogue arrived at the Police Department and pulled into the Sally Port.
- 12:34:46 -The driver, Pat Blanchard exited the vehicle walked around and looked at the front tire then opened the back of the vehicle, to obtain the spare tire.
- 12:35:17 -Officer Washington and Shaw arrived and started assisting Blanchard with tire replacement.
- 12:37:11 -Officer Lynn arrived at the sally port.
- 12:38:35 -Sgt. Ruelle arrived at the sally port.
- 12:39:21 -Sgt. Ruelle left the sally port with Blanchard following. Washington and Shaw continued to work on the vehicle.

- Sgt. Ruelle led Blanchard into the Booking room. Officer Becker is working on a computer. Sgt. Ruelle left from the front door while Blanchard remained in the briefing room. Officer Becker packed up her belongings and left the Booking room.
- Lt. Shane Haug and Sgt. Ruelle arrived in the Booking room.
- 12:42:45 -Lt. Haug left the Booking room back into the PD Charting area, while Sgt. Ruelle left the Booking room through the Booking hallway.
- 12:43:01 -Sgt. Ruelle walked though the sally port and outside to his vehicle, to retrieve his PBT.
- 12:44:00 -Sgt. Ruelle returned to the Booking room.
- 12:44:25 -Sgt. Ruelle administered the PBT to Blanchard. He looked at the results but does not show them to Blanchard.
- 12:44:45 -Sgt. Ruelle left the Booking room through the charting door, Blanchard left the Booking room through the Booking hallway door.
- 12:45:09 -Blanchard walks through the sally port and contacted Officer Washington. He asked Officer Washington to park his vehicle. Washington backed the white Nissan Rogue out of the sally port and parked it.

Applicable Policy:

Based on the facts gathered in the investigation, the listed policies were reviewed for violation:

Policy 306 – Firearms, Policy 322 – Standards of Conduct, and Policy 1002 – Drug and Alcohol-Free Workplace.

Policy 306 – Firearms – Not Sustained

306.4.3 ALCOHOL AND DRUGS

> Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

Officer Blanchard indicated he did not have a loaded weapon on him when he responded to the Police Department. He did have his SWAT rifle in the car but did not have ammunition for it. He indicated he had a duty pistol in his duty gear at the station and his normal practice would be to respond to the police Department and get ready upon arrival. Officer Blanchard received the cancelation page after arriving at the station but before obtaining his sidearm or getting ready for the SWAT call.

Lt. Haug, Sgt Ruelle, and Officer Shaw each indicated that they did not observe a firearm on Officer Blanchard. There was no evidence on surveillance video of Officer Blanchard being

armed. While it is possible he had the weapon concealed, it is reasonable to conclude that he was not carrying a firearm in violation of policy 306. As a result, this policy violation is not sustained.

Policy 322 – Standards of conduct – Sustained

322.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service. 322.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
(b) Violation of federal, state, local or administrative laws, rules or regulations.

Sgt. Ruelle observed signs of alcohol use and impairment. He indicated, "Based on my observations, there was enough for a DUI investigation and I would investigate had I observed the same indicators on a traffic stop." A subsequent preliminary breath test confirmed Sgt. Ruelle's belief that alcohol was present. This information is not conclusive evidence of violation of DUI law but could reasonably rise to the level of probable cause. Sgt. Ruelle's observations and PBT test results of .11 and Officer Blanchard's candid admission of the amount of alcohol he consumed prior, lead me to conclude he in violation of Policy 322 – standards of conduct due to violations of department policy and state and local law.

Policy 1002 – Drug and Alcohol-Free Workplace – Sustained

1002.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

The Guidelines and Procedures for the Minot Police Department Drug and Alcohol Testing program and City of Minot Employee Manual shall be followed.

Minot Police Department Drug and Alcohol Testing program:

3. Covered Employees:

All Minot Police Department employees are included for safety and security reasons.

4. Prohibited Substances:

Minot Police Department

No Minot Police Department employee shall use alcohol while on duty or within 4 hours prior to going on duty. Employees who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance. Employees subject to recall are reminded that they are to be in conformance with this policy when reporting for duty.

As a member of the Minot Police Department and SWAT Team, Officer Blanchard intention was to report for duty in response to a SWAT Team activation. He responded to the Minot Police Department. Although there was a cancellation to this page, Blanchard had not received this information until he was already at the Police Department. As a result, Blanchard had reported for duty.

Statements from Officer Blanchard and Sgt. Schoenrock indicate that Blanchard was consuming alcohol hours prior to the SWAT page. Officer Blanchard was candid in his statement. He indicated that he had consumed a number of drinks and had stopped drinking at around 2230 hours on May 15, 2021. He arrived at the Police Department at 0034 on May 16, 2021. By his statement this is approximately 2 hours after consumption of alcohol.

Officer Blanchard said he went home from Saul's Bar at around 2300 hours and went to sleep. When he received the SWAT page, he did not know how long he had been asleep. He said he did not feel impaired. When I asked him if he had any concern about his impairment he said, "Honestly, not until Sgt. Ruelle pulled me in". He further said "I was extremely surprised by the PBT results. I didn't feel impaired." Officer Blanchard said "If those were my PBT results, which I'm not arguing, I'm apologetic..."

Since Officer Blanchard was reporting for a SWAT call and he had consumed alcohol within 4 hours of responding to the police department, and due to the evidence that his body still contained alcohol, I conclude that he is in violation of Policy 1002 – Drugs and Alcohol-Free Workplace.

Taylor Jensen
Last comments on 2nd page are Josh Noyes

Officer #5 (current MPD Sgt) – referred to as Sgt. Y

- 12 yr MPD officer. Bomb commander, K9 handler
- Sgt. Y started our conversation by speaking about all the officers we've lost over the last 24 months. Really good officers according to Sgt. Y. Sgt. Y gave a number of names as examples - Laudenschlager, Fowler, Moss – more were named but I couldn't write fast enough.
- Sgt. Y mentioned the things that she sees as issues within the department – including, but not limited to, inconsistent discipline, poor communication from brass, getting in trouble for speaking up about officers' questionable behavior, no transparency, not disciplining unethical behavior from fellow officers, failing to maintain ethical standards in the department.
- Sgt. Y provided an example of these issues by recounting the case of MO Batteiger, who, while attending K9 training in Minnesota, would drive the department vehicle to Fargo each night to visit his girlfriend—despite being married at the time. Sgt. Y reported this behavior to her superior, Cpt Sundheim, who responded by saying, 'We are not the morality police.' This lack of accountability deeply upset many within the department, as they felt such conduct should have been addressed. Sgt. Y provided further examples of MO Boettiger's infractions that were not 'disciplined'. These have all been mentioned by previous officers in their statements so I will not repeat them as they are the same/similar. Sgt. Y indicated that MO Batteiger had 7 writeups and still worked for the department. These issues were the same as mentioned in Sgt. Xs interview. Sgt. Y spoke of the letter she wrote in 8/2023 to Cpt Sundheim about the deficiencies in training with MO Batteiger and his K9 – Sgt. Y was told "she lacked supervisor maturity" for bringing up such issues, even though it was her job as the Senior K9 officer. The letter/complaint was 'squashed' and not much happened with MO Batteiger – and this was after most of his other writeups.
- Sgt. Y then started talking about the lost 15.7g of Heroine, given to the Minot PD, for training with their drug K9s. Sgt. Y told me that MO Batteiger had check the drugs out of the "locker" in Feb '23 and when they went to use them for some multi department training in Nov. of '23 that the 15.7g package was missing. Because MO Batteiger was the only officer at the time that had a drug K9, he kept the drugs in a case in the trunk of his patrol car at home each night, rather than in the locked room and locker they were normally kept in. Sgt. Y also spoke about the tracking/training system they use in the K9 world – after training with their dogs they have computer program where they log what drugs were used, how the K9 reacted during the training etc. MO Batteiger was the only officer within the K9 division that didn't put the weight of the drugs used in his reports. SOP was to put the weight into the report. It was mentioned in the investigation report by Cpt Plessus that MO Batteiger didn't utilize the program the way it was intended. During this time, MO Batteiger was the only officer to check out this "drug sample". It was used a couple times in the 9 months that MO Batteiger held the sample, but nobody knows for sure when it disappeared. It was noticed in Nov. '23 when they realized right before the multi department training that it was missing. Sgt. Y also mentioned that after the drugs went missing, no investigation was started until after Christmas that same year.
- Sgt. Y continued her story by telling me about how the 'drug kit' gets changed out each year so the drugs don't lose their potency. Lt. Chapman had instructed MO Batteiger NOT to do anything with regard to destroying the drugs without Sgt. Ys help and approval. Most of this

is detailed in Cpt. Plessus's investigation report and if you haven't read it in its entirety, I would suggest reading it.

- In Feb. '24 Sgt. Y was called into Chief's office and Cpt Sundheim was in there as well. Sgt. Y was told that the drugs couldn't be found, but they had taken MO Batteiger's K9 from him.
- Sgt. Y also told me of an incident in which MO Batteiger had volunteered to pick up "bobblehead toys" for the brass for Christmas one year. Officers each pitched in $20 and they collected $300 in total. When Christmas arrived MO Batteiger failed to produce any bobbleheads and everyone wanted to know what happened to their money? MO Batteiger made some excuses and just never returned his fellow officer's money. Other officers I spoke with spoke of this incident as well.
- I asked Sgt. X what he thought would help fix things within the department. Here were Sgt. X's responses:
    - Culture change within the dept. "used to be a family, that was taken away when Chief was put in place"
    - Reestablish trust with the rank and file – trust has been lost by Chief, Capt Sundheim and Cpt Sundbakken
    - Let the beard/hair policy be implanted. He started a committee to write/change it all. They put in 4 months work on it and it's been laying on Chief's desk for 8 months. Another example of no decisions being made.
    - Quit covering up for poor officers and/or their unethical behavior.

This info should be for officer #4 sorry Sgt X Josh Noyes

Jared Foley 1

Officer #8 (current MPD Sgt.) – referred to as Sgt. Z

- 14 years with MPD, Community outreach officer, Cadet Program coordinator
- Sgt. Z articulated several concerns regarding departmental issues, including the need for updated equipment—a matter previously unmentioned. He also highlighted a perceived lack of support from senior leadership, noting their frequent absence. Additionally, Sgt. Z expressed frustration with the fluctuating criteria for promotions, which seem to disadvantage qualified individuals not part of the 'favorites' group. He criticized the command staff for their lack of follow-through on commitments and inconsistent discipline within the dept.
- Sgt. Z mentioned that since the change from patrol to evidence he's really noticed the moral issue within the department that comes from the above issues.
- Sgt. Z was forthright about his previous disciplinary issues during his time on patrol, but he described the most recent write-up while assigned to evidence as particularly troubling. In this instance, Sgt. Z proposed an improvement to the drug receiving procedure in the evidence room to his lieutenant. He was instructed to formalize the suggestion and present it to the command staff. Despite following this directive, the proposal was never discussed further. After waiting four months with no feedback, Sgt. Z decided to implement his idea by relocating the vacuum sealing machine from inside the evidence room to outside, aiming to streamline the process by reducing the number of individuals handling evidence before it was sealed. However, upon observation by Chief and/or Cpt. Sundheim, Sgt. Z was reprimanded the following day for 'testing' an unapproved idea. He expressed frustration over the lack of communication during the four-month waiting period. Ultimately, the vacuum sealing machine was returned to the evidence room, and the proposed change was never revisited.
- Sgt. Z provided a detailed account of the lack of support from command staff. He noted that senior officers seldom attend public events or engage with the community, citing the upcoming MSU homecoming parade on Saturday, September 14th, as an example. He questioned whether any of the command staff had volunteered to assist with the parade, given the shortage of officers – this was a rhetorical question as they had not. Sgt. Z contrasted this with previous administrations, where senior leaders were more visible and involved in public affairs.
- As the Cadet Program Coordinator, Sgt. Z reported receiving no support from command staff, although he indicated that this lack of assistance allows him to manage the program according to his own vision. Additionally, he spoke positively about MO Batteiger, commending his consistent willingness to support the cadet program whenever possible.
- Sgt. Z spoke about the change to 4 duty shifts from the 3 that they currently have. He said it upset some officers, because of how short staffed they are. They don't have the people to cover 3 shifts, why would we create another?
- Sgt. Z spoke about the lack of recruiting in the PD...he said we don't utilize MSU, we've stopped going to Lake Region and that we pass over some candidates that could be good cops with some training, but the brass 'doesn't seem to want to train anyone'.
- Sgt. Z took over the evidence room two years ago with minimal training or guidance. Upon assuming the role, he discovered significant disorganization and inefficiencies, including evidence stored improperly and a general lack of systematic categorization. He undertook

efforts to rectify these issues, introducing a categorization system that had not previously existed and clearing out obsolete or 'dead' evidence, which created substantial additional space. To further optimize the evidence room, Sgt. Z requested additional shelving to accommodate the improved organization. Noting that extra shelves in the SWAT bay were cluttered with garbage and equipment, he sought permission from command staff to repurpose one of these units. After receiving no response for several months, Sgt. Z took the initiative to clean out the SWAT bay, organize the remaining equipment, and relocate one shelving unit to the evidence room. Sgt. Z finished his clean up and then went on vacation. Upon returning from vacation, Sgt. Z was reprimanded for 'insubordination' due to moving the shelf.

2)

- Sgt. Z highlighted another issue that underscored the lack of guidance and support from command staff. During the spring auction cleanout in 2024, a significant task for which Sgt. Z was responsible as the evidence sergeant, he requested additional help and volunteers. Despite the magnitude of the undertaking, only four officers volunteered, two of whom had to leave early. Although command staff were aware of the staffing shortfall, they neither intervened to assign additional personnel nor offered assistance themselves.
  As a result of the limited help, a few minor errors occurred during the auction, including the sale of evidence that should have been returned to victims. While these mistakes were not entirely Sgt. Z's fault, and were subsequently rectified with items and funds returned to the appropriate individuals, he was nonetheless held accountable and written up for the issues. The problems might have been avoided had there been adequate support during the auction.
- Sgt. Z was subsequently assigned the task of developing a Standard Operating Procedure (SOP) for evidence intake, storage, and auction sales. He meticulously prepared a comprehensive 48-page SOP binder and presented it to his lieutenant and captain. After briefly acknowledging the effort with a "great job," they promptly returned to their discussions, showing little engagement with the document. This response further illustrates the broader issue of inadequate support from senior leadership and a general lack of concern for the perspectives and contributions of officers.

**This was the officer that Chief referenced in our meeting when he grabbed the file from his desk, through it on the table and said should I fire this guy too instead of suspending him.

HR Director, Lisa Jundt, Response to Officer #8 – Sergeant Jared Foley

Responses address numbered bullet points from information provided by Officer #8

1.) Sergeant Foley and several other officers have expressed their concern about the change to promotional criteria. The change to promotional criteria has gone through a couple of changes in the last 10 years. The changes to criteria from the June 2015 procedures to the June 2020 procedures were limited and included some additional requirements for training hours as well as clarification for how to review education points for those testing for Sergeant. The reason for the latter change was because it was too difficult to base points on credit hours and years of college because some colleges used quarter credits and some colleges used semester credits. The change was simply indicated to give points based on an associates degree, a bachelors credits or prorated points for credits towards a bachelors degree. In late summer of 2021 we were notified that the promotional tests provided by I/O Solutions would no longer be available. At that time, police command staff decided to go to an assessment model for testing, which is a common practice in law enforcement today, and similar to the model successfully used by the Minot Fire Department. This type of testing is also much more comprehensive and focusses on the overall competency of the candidate rather than just knowing the rules. The assessment center also gave more opportunity to those individuals with less service time to move past a more senior staff because they were shown to be more competent and effective in the potential role. This type of change is new to the Minot Police Department, and has been difficult for department to accept because it isn't the way it has always been done. Sometimes change is difficult but necessary to move forward. **See Exhibit W – June 2015 Testing Procedures. Exhibit X – June 2020 Testing Procedures. Exhibit Y – March 2022 Testing Assessment Center Procedures.**

2.) Sergeant Foley has expressed concern over the recent disciplinary action he received concerning his responsibility in the spring auction. Foley did meet with City Manager, Harold Stewart and myself to appeal the suspension he received. The issue that we presented to him was the fact that he had already waived his right to appeal through the Civil Service process, and there was not other remedy we had available to us to change the disciplinary action. He stated he was not aware that there was a grievance procedure process. I mention to him that he had been provided with the City Employee Handbook at the time of his hire and with a more recent update, and that he had acknowledged he received and reviewed the document on both occasions. I told him I believed it would be important to review this optional waiver in the police department disciplinary process, since it seems like it is just being signed without understanding what is actually being signed for. **See Exhibit Z – Foley most recent disciplinary action. Exhibit AA – Foley discipline from former Chief Olson for comparison. Exhibit AB – 2010 Employee Handbook Acknowledgement, 2018 Employee Handbook Acknowledgement, and Grievance Procedure.**

June 2015 exhibit W-1

Police Captain – Promotional Testing Procedures

The Commissioners approved the following promotional testing procedures for the position of Police Captain.

I/O Solutions Upper Command Exam – 32.5 points
Interview (all candidates) – 32.5 points
Training – 15 points
Service Time – 10 points

Training points will be calculated as follows:
1700 hours + of training = 15 points maximum
(% of maximum hours of training = % of total training points)
All training hours must be certified by the training division of the department and for the purpose of this test will include all post certified hours as of the date of application deadline.

Service time will be calculated as follows;

7-8 yrs = 1 point
8-9 yrs = 2 points
9-10 yrs = 3 points
10-11 yrs = 4 points
11-12 yrs = 5 points
12-13 yrs = 6 points
13-14 yrs = 7 points
14-15 yrs = 8 points
15-16 yrs = 9 points
16 + yrs = 10 points

June 2015

Wk 2

Police Lieutenant – Promotional Testing Procedures

The Commissioners approved the following promotional testing procedures for the position of Police Captain.

I/O Solutions Police Promotional Examination - 32.5 pts.
Interview (all candidates) - 32.5 pts.
Training - 15 pts.
Service Time - 10 pts.

*As in the past, once the exam has been received, the Police Chief will review the exam prior to testing to determine if there are questions that may need to be omitted from this exam if they are considered to be inappropriate to our Police Dept. operation.

Training points will be calculated as follows:

1500 hours + of training = 15 pts. maximum
(% of maximum hours of training = % of total training points)
All training hours must be certified by the training division of the department and for the purpose of this test will include all post certified hours as of the date of application deadline.

Service time will be calculated as follows:

6 - 7 yrs. = 1 point	11 - 12 yrs. = 6 points
7 - 8 yrs. = 2 point	12 - 13 yrs. = 7 points
8 - 9 yrs. = 3 points	13 - 14 yrs. = 8 points
9 - 10 yrs. = 4 points	14 - 15 yrs. = 9 points
10 - 11 yrs. = 5 points	15 + yrs. = 10 points

June 2015 W-3

Police Sergeant – Promotional Testing Procedures

The Commissioners approved the following promotional testing procedures for the position of Police Captain.

IPMA Police Promotional Examination - 32.5 points
Interview (all candidates) - 32.5 points
Training - 15 points
Education - 10 points
Service Time - 10 points

Training points will be calculated as follows:

1200 hours + of training = 15 points maximum
(% of maximum hours of training = % of total training points)
All training hours must be certified by the training division of the department and for the purpose of this test will include all post certified hours as of the first possible date of appointment.

Education points will be calculated as follows:

2.5 points per full year of college education completed.
All candidates must provide a transcript for all credit hours claimed.

Service time (which may include only time served in a position with rank of Police Officer and/or Police Officer, Senior) will be calculated as follows:

4 - 5 yrs. = 1 point	9 -10 yrs. = 6 points
5 - 6 yrs. = 2 points	10-11 yrs. = 7 points
6 - 7 yrs. = 3 points	11-12 yrs. = 8 points
7 - 8 yrs. = 4 points	12-13 yrs. = 9 points
8 - 9 yrs. = 5 points	13 + yrs. = 10 points

June 2020

Exhibit X

Police Captain – Promotional Testing Procedures

The Commissioners approved the following promotional testing procedures for the position of Police Captain.

Exam – 32.5 points
Interview (all candidates) – 32.5 points
Training – 15 points
Service Time – 10 points

Training points will be calculated as follows:
2000 hours + of training = 15 points maximum
(% of maximum hours of training = % of total training points)
All training hours must be certified by the ND POST Board as of the date of application deadline. All hours accumulated during a law enforcement basic skills program or academy may be considered in addition to the certified ND POST hours.

Service time (which may include only time served in a position with rank of Police Officer, Senior Police Officer, Master Police Officer, Police Sergeant and/or Police Lieutenant, plus any service credit given for previous employment as a peace officer at time of employment with the Minot Police Department) will be calculated as follows;

7-8 yrs = 1 point
8-9 yrs = 2 points
9-10 yrs = 3 points
10-11 yrs = 4 points
11-12 yrs = 5 points
12-13 yrs = 6 points
13-14 yrs = 7 points
14-15 yrs = 8 points
15-16 yrs = 9 points
16 + yrs = 10 points

June 202 X-2

Police Lieutenant – Promotional Testing Procedures

The Commissioners approved the following promotional testing procedures for the position of Police Captain.

Exam - 32.5 pts.
Interview (all candidates) - 32.5 pts.
Training - 15 pts.
Service Time - 10 pts.

*As in the past, once the exam has been received, the Police Chief will review the exam prior to testing to determine if there are questions that may need to be omitted from this exam if they are considered to be inappropriate to our Police Dept. operation.

Training points will be calculated as follows:

1700 hours + of training = 15 pts. maximum
(% of maximum hours of training = % of total training points)
All training hours must be certified by the ND POST Board as of the date of application deadline. All hours accumulated during a law enforcement basic skills program or academy may be considered in addition to the certified ND POST hours.

Service time (which may include only time served in a position with rank of Police Officer, Senior Police Officer, Master Police Officer, and Police Sergeant, plus any service credit given for previous employment as a peace officer at time of employment with the Minot Police Department) will be calculated as follows:

6 - 7 yrs. = 1 point	11 - 12 yrs. = 6 points
7 - 8 yrs. = 2 point	12 - 13 yrs. = 7 points
8 - 9 yrs. = 3 points	13 - 14 yrs. = 8 points
9 - 10 yrs. = 4 points	14 - 15 yrs. = 9 points
10 - 11 yrs. = 5 points	15 + yrs. = 10 points

June 2020

X-3

Police Sergeant – Promotional Testing Procedures

The Commissioners approved the following promotional testing procedures for the position of Police Captain.

Exam - 32.5 points
Interview (all candidates) - 32.5 points
Training - 15 points
Education - 10 points
Service Time - 10 points

Training points will be calculated as follows:

1400 hours + of training = 15 points maximum
(% of maximum hours of training = % of total training points)
All training hours must be certified by the ND POST Board as of the date of application deadline. All hours accumulated during a law enforcement basic skills program or academy may be considered in addition to the certified ND POST hours.

Education points will be calculated as follows:

- 5 points will be given for an Associate's Degree.
- 10 points will be given for a Bachelor's Degree.
- Points will be accrued on a pro-rated basis for any hours earned toward a Bachelor's degree; these points will be based on the 128 hours required for a Bachelor's Degree as determined by the ND Board of Higher Education.
- All candidates must provide a transcript for all credit hours claimed.

Service time (which may include only time served in a position with rank of Police Officer, Senior Police Officer, Master Police Officer, plus any service credit given for previous employment as a peace officer at time of employment with the Minot Police Department) will be calculated as follows:

1 - 2 yrs. = 1 points	6 - 7 yrs. = 6 points
2 - 3 yrs. = 2 points	7 - 8 yrs. = 7points
3 - 4 yrs. = 3 points	8 - 9 yrs. = 8 points
4 - 5 yrs. = 4 points	9 - 10 yrs. = 9 points
5 - 6 yrs. = 5 points	10 + yrs. = 10 points

Exhibit Y-1

A Fair and Transparent Assessment-Based Promotional Process

	Years of Service, Training Hours, and Education	*Formal Interview*	*Inbox / Outbox*	*Topical Presentation*	*Program Implementation*
Sgt.	x	x	x		
Lt.	x	x	x	x	
Capt.	x	x	x	x	x

Years of Service, Training Hours, and Education

Each candidate will be given three percentages, one based on years of service, one based on training hours, and one based on education. These three percentages will be averaged (all decimal points will be rounded down) to produce a score out of one hundred points for that candidate. The percentages will vary based on which promotional position the candidate is applying for. The numbers are as follows:

	Years of Service	POST Training	Education
Sgt.	*% out of 10 years*	*% out of 1400 hours*	*% out of 128 credit hours (undergraduate max)*
Lt.	*% out of 15 years*	*% out of 1700 hours*	*% out of 158 credit hours (128 undergraduate max + 30 graduate)*
Capt.	*% out of 20 years*	*% out of 2000 hours*	*% out of 188 credit hours (128 undergraduate max + 60 graduate)*

*Transcripts must be provided for credit hours

**128 credit hours are based on ND Board of Higher Education standard for a Bachelors degree.

Formal Interview

The candidates will sit in front of a three-person interview panel (the panel will consist of individuals at the discretion of the Chief of Police) and be asked a series of twenty random questions from a predetermined list. Each panelist will score each question on a sliding scale one through five, with five being the best and one being the worst. At the end the candidates score will be tallied out of a total of one hundred points per panelist. The three panelists' scores will then be averaged (all decimal points will be rounded down) to produce one average score out of one hundred points for that candidate. The twenty random questions will remain the same for each candidate in this promotion cycle, and the three panelists must also remain the same.

- Interview is weighted at 40% of total score.
- May be the same day or different day as inbox/outbox (depending on time and # of applicants)

Y-2

- Consists of PD, City, non-city interview panel

Inbox / Outbox

The candidates will sit in front of a three-person panel (the panel will consist of individuals at the discretion of the Chief of Police) and be given a series of 5 basic inbox/outbox scenarios from a predetermined list. Each scenario must be something that a person that is in the position that is being applied for might encounter during a work day. Each panelist will score each scenario on a sliding scale one through twenty, with twenty being the best and one being the worst. At the end the candidates score will be tallied out of a total of one hundred points per panelist. The three panelists' scores will then be averaged (all decimal points will be rounded down) to produce one average score out of one hundred points for that candidate. The five random scenarios will remain the same for each candidate in this promotion cycle, and the three panelists must also remain the same.

- (3) scenario's- Counselling, Law (State's Attorneys Office), dealing with public, policy, tactical command, delegation (up and down), email/voicemail/in-person prioritizing, importance of data, clerical, computer systems
- Each scenario is 15% of total score (60% total)
- Panel consists of: PD, City, and non City (same as interview)
- Each scenario has a different panel (4 scenarios= 12 people)
- Scenario briefs are short so no prep time is necessary.
- Each scenario given a specific amount of time to complete.
- Develop a score sheet for each individual scenario.

Topical Presentation

The candidates will be given a topical police issue/topic and be asked to give a presentation about that issue/topic. The candidates will be given a specific and limited amount of time to prepare for their presentation. (Ideally candidates would be given the issue/topic in the morning and give the presentation that afternoon). Candidates would give the presentations to a three-person panel (the panel will consist of individuals at the discretion of the Chief of Police) and each panelist would then score the candidate's presentation on a sliding scale from one to one hundred, with 100 being the best and one being the worst. The three panelists' scores will then be averaged (all decimal points will be rounded down) to produce one average score out of one hundred points for that candidate. The topic/issue will remain the same for each candidate in this promotion cycle, and the three panelists must also remain the same.

- Is usually based on a "hot-topic" or issue currently being addressed by Administration.
    - Could be "Importance of Data in modern policing"
- In addition each applicant must provide a report detailing "their story"
    - Who they are, what got them here, what they have done, why are they the right person for the position
    - Must include all of their qualifications as well as specific trainings, etc, that they have.

Program Implementation

Y-3

The candidates will be given specific program and/or system at the that could be changed/implemented at the Minot Police Department. The candidates will be required to write a full plan to change/implement this specific program/system. Plans would be required to include how and why the change is taking place, a plan to rollout the program/system to the entire PD, pre and post system/program rollout plans, and also possible pitfalls that might need to be addressed along the way. Candidates would present these plans to a three-person panel (the panel will consist of individuals at the discretion of the Chief of Police) and each panelist would then be able to ask questions and the candidate would have to defend their plan. At the conclusion each candidate would score the candidate's plan on a sliding scale from one to one hundred, with 100 being the best and one being the worst. The three panelists' scores will then be averaged (all decimal points will be rounded down) to produce one average score out of one hundred points for that candidate. The program/system will remain the same for each candidate in this promotion cycle, and the three panelists must also remain the same.

- Is usually based on a "hot-topic" or issue currently being addressed by Administration.

Conclusion

The candidates final score would be the average of each phase of that ranks assessment process (all decimal points being rounded down). For example: Sgt. candidates would take the average of the scores from the first three phases, Lt.'s from the first four, and Capt.'s from all five.

- FD starts the process with everyone on a level playing field. If they have the minimum qualifications everyone is equal. Time of Service, education, and training hours don't equate for scoring totals. (I disagree with this)

March 2022

Y-4

PROMOTIONAL ASSESSMENT CENTER SETUP

Station 1- Interview Panel

- Consists of (3) person panel: (1) PD Employee, (1) City Employee, (1) non city employee
- Each person is given 25 minutes for an interview consisting of 10 questions.
- There will be a 5 minute break between interviews to allow for scoring and necessity breaks
- Average of interview scores

Station 2- Scenario 1- Counselling/Dealing with Public

- Applicant will be provided a scenario in which an employee (actor) will need counselling related to a discipline issue. Alternate scenario: Applicant will be provided a scenario in which a member of the public wishes to complain about a police officer or the police department.
- Consists of (3) person panel: (1) PD Employee, (1) City Employee, (1) non city employee
- Each person is given 20 minutes to complete this scenario
- There will be a 10 minute break between applicants to allow for scoring and necessity breaks

Station 3- Scenario 2- Laws and Ordinances

- Applicant will be addressed by a participant from the Ward County State's Attorneys Office or City Prosecutor's Office related to a specific set of circumstances. Applicant will have to debate with prosecutor regarding law and procedure.
- Consists of (3) person panel: (1) PD Employee, (1) City Employee, (1) non city employee
- Each person is given 20 minutes to complete this scenario
- There will be a 10 minute break between applicants to allow for scoring and necessity breaks

Station 4- Scenario 3- On Scene Command

- Applicant will be provided a scenario which is modelled after an incident requiring the applicant to take command of an incident, formulate a plan to handle the incident, and carry out the plan from a command standpoint.
- Consists of (3) person panel: (1) PD Employee, (1) City Employee, (1) non city employee
- Each person is given 20 minutes to complete this scenario
- There will be a 10 minute break between applicants to allow for scoring and necessity breaks

Station 5- Topical Presentation

- Applicant will be provided a topic chosen by the Chief and Command Staff to research, and present to the panel. Topic will be provided 1 day before the presentation
- Consists of (3) person panel: (1) PD Employee, (1) City Employee, (1) non city employee
- Each person is given 20 minutes to complete this presentation
- There will be a 10 minute break between applicants to allow for scoring and necessity breaks

Station 6- Program Implementation

- Applicant will be provided a policy, protocol, or program currently in place. They will be required to research the topic, write up a full implementation/change plan, and present their ideas to the panel. Topic will be provided within a specified time period before the presentation. Plans would be required to include how and why the change is taking place, a plan to rollout the program/system to the entire PD, pre and post system/program rollout plans, and also possible pitfalls that might need to be addressed along the way.
- Consists of (3) person panel: (1) PD Employee, (1) City Employee, (1) non city employee
- Each person is given 25 minutes to complete this presentation
- There will be a 5 minute break between applicants to allow for scoring and necessity breaks

Sgt.

Lt.

Capt

SERGEANTS ASSESSMENT SCORING

Name	Service	Service % (100% Max)	Training	Training % 100% max)	Education	% (100% max)	Avg %	Int 1	Int 2	Int 3	Avg	Int Factored	Scenario 1 Scores (50 total points)			Avg	Scenario 2 Scores (50 total points)			Avg	Scenario 3 Scores (50 total points)			Avg	Total Scenario Avg %	Cumulative Score	Cumulative Score Average
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0
	0	0.00%	0	0.00%	0	0.00%	0.00	0	0	0	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0

Exhibit 2 -1

City of Minot
Office of the Chief of Police

POLICE DEPARTMENT
CITY OF MINOT NORTH DAKOTA

701.852.0111
minotnd.gov
P.O Box 5006
Minot ND, 58702
515 2nd Ave SW
Minot, ND 58701

September 3, 2024

To: Jared Foley, Sergeant

Ref: Letter of Suspension

This letter outlines the multiple errors and actions taken to correct those errors. Several items were sold at the police auction that took place on May 11th, 2024, that should not have been sold, at least in the manner they were. Those three items were as follows:

- Stolen vehicle from New Town was sold after the owner identified the vehicle was hers. Sgt. Foley entered an agreement with the owner, who agreed any money earned through the auction of the vehicle would be given to her. The proper action would be to remove the item from the auction and work through the proper process for selling the vehicle.
- Two bicycles were sold that had previously been ordered by District Court, to be returned to the person they were seized from. This resulted in a long and time-consuming process with multiple City of Minot personnel to ensure a legal process was followed. Items that are evidence or under court order should be separated from other found property long before the auction to decrease the likelihood of mistakenly selling the property.
- The third item was a vehicle connected to the suicide death of the owner. After the vehicle was sold, an insurance agent contacted the police department to claim the vehicle, once again resulting in us turning over the money to the agent. A search for vehicle leans was not conducted and an assumption was made by Sgt. Foley that this was possibly done by detectives during the investigation.

Because these three incidents happened during the same auction, there was not time for corrective action between the three of them. Therefore, I am removing the Letter of Reprimand issued by Capt. Jason Sundbakken on May 16, 2024, and including that incident as part of my discipline in this Letter of Suspension. These three errors with property were ultimately resolved, but utilized valuable staff time and opened the City up to financial liability.

Findings: I find the following policy violations are **sustained** and are basis for the disciplinary action in this case.

- Policy 502 – Vehicle Towing and Release
  - 502.3.6 – Records Section Responsibility

    Assigned department personnel shall:

City of Minot
Office of the Chief of Police

POLICE DEPARTMENT CITY OF MINOT NORTH DAKOTA

701.852.0111
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Minot, ND 58701

a. Determine the names and addresses of any individuals having an interest in the vehicle through North Dakota Department of Transportation (NDDOT) or CJIS databases. Within 10 days of the impoundment by department personnel, the department shall notify any individual identified as having an interest in the vehicle of the impoundment unless all of the following apply (N.D.C.C. § 23.1-15-04):
    1. The vehicle is more than seven model years of age.
    2. The vehicle lacks vital component parts.
    3. The vehicle does not display a current valid license plate for North Dakota or any other state or foreign country.
b. Send notice by certified mail, return receipt requested, to each individual identified as having an interest in the vehicle. If the identity and address of the registered owner and all lienholders cannot be determined with reasonable certainty, the notice shall be published once in a newspaper of general circulation in the City. The notice shall include (N.D.C.C. § 23.1-15-05):
    1. The date and place where the vehicle was taken into custody.
    2. The year, make, model, and serial number of the abandoned motor vehicle.
    3. The place where the vehicle is being held.
    4. Information for the owner, any lienholders, or secured parties that they have a right to reclaim the vehicle.
    5. A statement that failure of the owner, lienholders, or secured parties to exercise their right to reclaim the vehicle is deemed a waiver of all right, title, and interest in the vehicle and a consent to disposal of the vehicle in accordance with N.D.C.C. § 23.1-15-07.

- Policy 801 – Property and Evidence
    - 801.6.5 – Release of Property – A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

Explanation: It is the duty of Sgt. Foley to ensure that every piece of property released, sold, or disposed of that was in the custody of the Minot Police Department is being done so legally and with the best interest of the owner and department being considered. That did not happen in this situation.

Discipline: As a result of these findings, I am ordering the following for Sgt. Jared Foley:

- Sergeant Foley will be suspended without pay for a period of one day (8 hours).
- Sergeant Foley will not work any volunteer overtime events or off-duty during the same pay period as the day of suspension.

Z= 3

City of Minot
Office of the Chief of Police

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minotnd.gov
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Minot, ND 58701

- A copy of this letter will be placed in the personnel file of Jared Foley at the City of Minot Human Resource Office.

Any future violations of policy may result in progressive disciplinary action, up to and including termination.

John Klug, Chief of Police — Date 9/5/2024

I have been given a copy of this disciplinary decision.

Jared Foley, Sergeant — Date 9/5/24

Witnessed by:

Jason Sundbakken, Captain — Date 9-5-24

Optional Waiver:

I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

Jared Foley, Sergeant — Date 9/5/24

Z-4

City of Minot

Police Department

8-14-24

TO: CHIEF JOHN KLUG
FROM: CAPTAIN JASON SUNDBAKKEN
RE: SGT. JARED FOLEY

Information

I was approached on July 12th by Sgt. Jared Foley regarding a vehicle that had been sold at auction. The vehicle, a 2015 Chevrolet Traverse, was impounded due to a suicide that had occurred inside of the vehicle. Sgt. Foley advised me that a vehicle, which had been in our impound lot had been sold at auction on May 11th, 2024.

On July 11th Sgt Foley was contacted by Kevin Gonzalez, from Northstar Community Credit Union who wished to retrieve the vehicle as they held a lien on it. It was at that time that Sgt. Foley realized that the vehicle had been errantly sold at auction. Sgt. Foley provided me a letter of explanation regarding the impoundment and sale of the vehicle at our auction. In the letter Sgt. Foley explained that he later discovered that a registration check on the vehicle, at the time of impound, had not been accomplished which would have shown the lien in question. A vehicle registration check was apparently also not accomplished prior to the sale of the vehicle at impound.

Sgt. Foley contacted Mr. Gonzalez and advised him of the condition of the vehicle (body fluids from the suicide and a broken window caused by emergency services making entry). He also discussed the purchase price of the vehicle ($725) with Mr. Gonzalez and the potential of reimbursement that would have to be arranged by the City Attorney's Office and subsequently the Finance Department. I am unsure what, if anything, has been accomplished regarding this vehicle between Sgt. Foley, our City Attorney's Office, and Finance.

In his letter Sgt. Foley indicates that "by all accounts, we checked everything accordingly on all vehicles and had no other information prior to the auction that there was a lien out on this vehicle." He goes on to accept responsibility for the errant sale of the vehicle. Additionally, in his letter Sgt. Foley lays out his plan to add an "Auction" packet to the training manual he is currently creating. My issue with this statement from Sgt. Foley is that clearly everything had NOT been checked. There should be comprehensive check of all property sold or destroyed by the Records Sergeant (or their designee) prior to any action being taken. This had clearly not been accomplished. Each item in our possession should

Summary

This is the 3rd incident involving improperly sold items from our Spring Auction (May 11th, 2024). The (2) prior incidents are:

1. Stolen vehicle from New Town was sold AFTER Sgt. Foley had a conversation with the owner and agreed to pay her the amount the vehicle would sell for. This action was not approved by any supervisor and resulted in follow-up meetings with the City Attorney's and Finance due to improper procedure.
2. Bicycles sold at auction that were reported stolen and were set to be returned to the apparent owner. Four bicycles were taken into impound last year. Two of these bicycles were sold at a prior impound before Sgt. Foley became the Records Sergeant. Sgt. Foley was made aware of the (2) remaining bicycles and had conversations with the apparent owner. The bicycles were meant to be returned but were placed in the same location as other bicycles that were to be sold. The bikes were then inadvertently sold at auction because they had not been placed in a location away from the rest of the bikes or marked in a way to identify them as "No Sale". On May 16th, I issued a Letter of Reprimand to Sgt. Foley for the sale of these bikes.

Prior to these incidents, which all occurred as a result of the May 11th Auction, Sgt. Foley was counselled for errantly destroying property that was not to be destroyed. I also wrote a Letter of Counselling to Sgt. Foley on October 3, 2023 for removing a shelf from the storage area near the police bikes and placing it into evidence. He did so without permission and acknowledged that he needed a shelf, so he took that one without permission.

Sgt. Foley has been personally counselled by Lt. Wegner, Lt. McLeod, and Captain Plessas, all who have been in his position, regarding the destruction of property and required attention to detail. In addition, I have counselled him to slow down and completely ensure details before taking ANY action with property in our possession. During all of these conversations we have stressed the importance of being 100% sure of the details prior to taking ANY action with property. If we are not 100% sure, it costs nothing to hold the evidence. After all these conversations it still seems to be Sgt. Foley's priority to clean out our evidence areas and, in the process, many times miss details due to a lack of attention. This lack of attention to detail has resulted in numerous incidents in which property was disposed of or sold improperly and, as a result, has caused liability to the City of Minot.

I have included Sgt. Foley's letter of explanation regarding the most recent vehicle sold at auction. I have also included copies of the Letter of Counselling, and Letter of Reprimand that I have issued Sgt. Foley in the past.

It is my opinion that additional discipline is required for Sgt. Foley as a result of the latest issue, but also due to the culmination of issues since he has taken over the Records Sergeant position.

Respectfully Submitted,

Captain Jason Sundbakken
Minot Police Department
Administrative Commander
701-852-0111 (24 hour dispatch)
701-857-4716 (Office)
jason.sundbakken@minotnd.gov

Exhibit AA-1

City of Minot

Police Department

June 22, 2017

To: Senior Officer Jared Foley

From: Chief Jason T. Olson

Ref: Internal Investigation ref. Facebook post

On June 17th, 2017 information was brought to my attention that Senior Officer Jared Foley allegedly had been posting inappropriate content on the social media site Facebook. I assigned Capt. John Klug to investigate the matter.

On June 20th, Captain Klug, Captain Rob White and I reviewed the results of the investigation.

A citizen emailed Chief Olson on June 17th , 2017 expressing that Jared Foley had posted some comments on his personal Facebook page concerning the not guilty verdict in a criminal case in Minnesota involving a police officer (Jeronimo Yanez) who fatally shot a motorist (Philando Castile). The citizen felt that the post was inappropriate for someone in the Minot Police Department to be sharing in particular an officer who was the "Officer of the Year". There was a number of screen shots that indicated that Jared Foley had shared a "Blue Lives Matter" post and there was a string of comments below the post including several from Jared Foley. Much of the string of comments were apparently a back and forth commentary between Ashley Beall and Jared Foley.

Jared Foley posts "One more waste of oxygen gone, so yea I think it's awesome." And later on a post "Be angry all ya want, but justice was served to a would be cop killer..." And further "my heart is cold and has gone to the dark side... emotion is moot..."

The full Facebook screen shots in context are available in the investigation file.

Captain Klug interviewed Officer Foley who acknowledged the posts were his. He acknowledged how he could see why some people could be offended by the content of his posts even though he states that they were not meant to be offensive. Officer Foley agrees that his post was in violation of Minot Police Department policy on social media use. He also acknowledges that he recently was given policy training on this subject (5.14.17).

Findings: Sustained

Officer Jared Foley did post content on the social media site Facebook which was in violation to include but not limited to the following Minot Police Department policies:

323 Standards of Conduct

323.5.8 PERFORMANCE

(i) Any act on- or off-duty that brings discredit to this department.

323.5.9 CONDUCT

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

AA-2

1023 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

1023.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Minot Police Department will carefully balance the individual employee's rights against the department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1023.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following is prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen on a matter of public concern):

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Minot Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Minot Police Department or its employees.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

Officer Foley's comment was troublesome from a number of angles:

1. The implications of making a comment in writing on a social media site where once made, can potentially be used against Officer Foley in potential future criminal or civil litigation should he ever be involved in an excessive use of force or deadly force incident demonstrate a lack of understanding and judgement of the potential ramifications and impact it could have on such a case.
2. The lack of understanding, awareness and good judgement as to the volatile current and historical status of racial tensions between African Americans and the police in America and how such reckless statements can undermine any efforts or hopes of improving relationships or building trust between the two communities.

3. The potential negative impact on the reputation of Officer Foley himself and the Minot Police Department as a whole within the community and the effect of the damage done and how difficult it is to rebuild once tarnished.

Disciplinary Action:

As a result of these findings I am ordering the following:

1. Officer Foley will be suspended from work without pay for a period of twenty (20) hours.
2. Officers Foley will receive additional training on the use of social media while employed as a Minot Police Officer.

Future policy violations may involve disciplinary actions up to and including termination of employment with the Minot Police Department.

Any disciplinary actions will be effective once the appeal processes are either waived or exhausted.

_____ Date: 6/22/17

Chief Jason T. Olson

I have been given a copy of this disciplinary decision.

_____ Date: 6/22/17

Officer Jared Foley

Witnessed by:

_____ Date: 6/22/17

Capt. Rob White

Optional waiver: I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

_____ Date: 6/22/17

Exhibit – AB – 1

City of Minot

EMPLOYEE HANDBOOK ACKNOWLEDGMENT FORM

This employee handbook describes in general terms the City of Minot employment policies, procedures and benefits. In all instances the official benefit plan documents, City of Minot Code of Ordinances and Civil Service regulations serve as the governing documents. Your employee handbook is not to be interpreted as a legal document or an employment contract. Employment with the City of Minot is at the sole discretion of the City of Minot and may be terminated pursuant to Section 24-47 of the City of Minot Code of Ordinances. Nothing in this handbook constitutes an express or implied contract or assurance of continued employment.

The undersigned has received a copy of the handbook with supplement #5 and understands the contents of the handbook, including the above paragraph.

Date: 7 December 2010

Employee Signature

JARED FOLEY

21

AB 2

Important Disclaimer. The City of Minot revised its Employee Personnel Manual on January 16, 2018. Copies of the revised manual have been provided to your departments and posted on-line for your review. It is required that all current employees sign the attached form to indicate they have been notified of this change.

City of Minot

EMPLOYEE HANDBOOK ACKNOWLEDGMENT FORM

This employee handbook describes in general terms the City of Minot employment policies, procedures and benefits. In all instances the official benefit plan documents, City of Minot Code of Ordinances and Civil Service regulations serve as the governing documents. Your employee handbook is not to be interpreted as a legal document or an employment contract. Employment with the City of Minot is at the sole discretion of the City of Minot and may be terminated pursuant to Section 24-47 of the City of Minot Code of Ordinances. Nothing in this handbook constitutes an express or implied contract or assurance of continued employment.

The undersigned has received and/or reviewed a copy of the handbook revised on January 16, 2018 and understands the contents of the handbook, including the above paragraph.

Jared Foley
Employee Signature

Date: 2/22/18

AB- 3

1. GRIEVANCE PROCEDURE

The grievance procedure is defined as a procedure whereby any employee who is adversely affected by a decision of his/her immediate Supervisor, Superintendent/Manager or equivalent, or Department Head, may require the decision be reviewed by a person having the authority to reverse the decision. This procedure is as follows:

1. Oral Report: An employee who has a grievance shall first discuss his grievance with his/her immediate Supervisor. If the grievance pertains to a decision made by that Supervisor, the employee may forward the grievance in writing to the next Supervisory level in the department which is generally the Superintendent, Manager or equivalent within the Police and Fire departments.
2. Written Report: The written report must be submitted to the next Supervisory level, as indicated above, within five (5) working days of the initial decision by the immediate Supervisor. Within five (5) working days after receiving a written grievance, the next level of Supervision shall furnish the employee with a written reply to the grievance. If the grievance pertains to a Department Head, the written report must be submitted to the Human Resource Director within five (5) working days of the initial decision.
3. Appeal to Department Head: If the written reply to the grievance is not satisfactory to the employee, he/she may, within ten (10) working days after receiving the reply, submit an appeal in writing to his/her Department Head. The Department Head shall confer with the aggrieved employee and/or his authorized representative and the employee's supervisor before rendering a decision. Such a decision shall be provided in writing and shall be delivered to the aggrieved employee within ten (10) working days of the date on which the appeal was received by the department head.
4. Appeal to Civil Service Commission: If the appeal to the Department Head fails to resolve the grievance, the employee may, within five (5) working days of receipt of decision on the appeal, submit an appeal in writing to the Civil Service Commission. This appeal shall be filed with the Human Resource Office and be referred to the next available meeting of the Civil Service Commission for its review, which shall be final.

Note: The grievance procedure does not apply to: employee terminations related to probationary employment, for just cause or due to a reduction in force; or employee transfers for the good of the service.

Steve Schoenrock 1

Officer #10 (current MPD Sgt.) – referred to ask Sgt. Q

- 19 year MPD officer.
- Sgt. Q has had 4 different Chiefs since starting with MPD. Prior to this Chief, MPD was a family feeling organization. Things changed when Chief was appointed in 2020. Chief Klug and Cpt. Sundheim regularly spoke disrespectfully – talked down to whole staff. "you're all replaceable". I've heard this multiple times from officers...this really upsets employees and it is said quite frequently.

1) - When Chief was promoted, Sgt. Q had been doing Lt. Redding's job, without any type of compensation. He was happy to do it, as Lt. Redding was a good friend and his Lt. who had been med relieved. Sgt. Q thought it was great experience and hoped it would lead to promotion to LT.

- Sgt. Q – is well liked and every other officer I spoke to within the department had nothing but great things to say about him. "He should've been promoted, He's a great cop, I would've left if it hadn't been for Sgt. Q".
- Sgt. Q was/is on the SWAT team for Minot PD – during his career – Darin Egge had been SWAT commander. Egge developed cancer while at the MPD, but continued to show up for SWAT training. Egge would tell them at training, I'll show up until I can't. After Egge could no longer be SWAT commander, Cpt. Sundheim became SWAT commander. He never showed up for training and still doesn't to this day. SWAT is very rarely used within the MPD because of Cpt. Sundheim's urging.
- Cpt. Sundheim has two different domestic violence incidents while working for MPD. One with girlfriend (Christie) and one with current wife Jess. Both incidents were brought to supervisors' attention and squashed. In one of the incidents...Cpt Sundheim allegedly put a gun to his girlfriend's head. Sgt. Q was good friends with Cpt. Sundheim's wife (she was a MPD officer for a while as well). She ended up in the hospital after one incident and when Sgt. Q went to check on her, she said, "He's getting help".
- Sgt. Q spoke about some of the previous discipline at the dept. – specifically speaking about Wilke and another officer who were both fired for relatively minor offenses (one of them for giving out a door code during COVID). There were a number of officers violating COVID policies that were put in place (videos online of officers out partying with no masks etc.) but none of them were let go. Inconsistent discipline.

2) - Some of these issues were brought to Cpt. Sundbakken during this time – it never went anywhere. "if you were part of the in club, you got away with things". Sgt. Q said not many people have confidence in Sundbakken as he rarely follows through with reports up the chain of command. Sgt. Q also told me to look in to the Shannon Lackey incidents – her and Chief were good friends and drinking buddies; he protected her at the department until she punches people drunk in the bar the final time.

- Sgt. Q also mentioned some of the sexism issues at the MPD. Specifically, Lt. Wagner and Lt. Dyke – always saying inappropriate things to female officers. Most weren't too bothered by it...always "oh that's just Wagner" but there were a few incidents where female officers spoke with Sgt. Q about some very inappropriate comments from Lt. Wagner.
- During all of this time the brass never showed up for meetings, they didn't know their officers and most of the MPD officers were upset about these things. Officers were scared

during COVID and to not have leadership around bothered almost every officer out on the road. Meetings were called – no Chief, no Cpts. No Lts. Showed up

- As mentioned before Sgt. Q had been doing Lt. Redding's job for almost a year. He was the number 1 Lt. candidate going into the promotions board. He was passed over for Lt. Dyke who was Chief's buddy. Sgt. Q took this personally he admitted.

3) – During 2020-2021 an internal investigation was started into Chief for a few things...including hostile work environment. During this investigation, Cpt. Sundheim called for a 'Free Speak" meeting for the officers. They were told you can speak freely, there will be no consequences. Sgt. Q was running the night shift and his guys approached him to ask if they should speak up or not. Sgt. Q told them, "Just tell the truth, if you don't speak up now, you have no one to blame but us". Cpt. Sundheim 'lost his mind' after the meeting when officers spoke up – he blamed Sgt. Q for this. If asked Sgt. Q if he went to HR with any of this. Sgt. Q said there is a lot of distrust with HR because Lisa Jundt and Chief are friends and have been seen drinking together.

- People who spoke up at Cpt. Sundheim's free speak meeting were given crap details, assignments and basically 'slapped around' for saying something.
- During the COVID and investigation stuff – the night shift guys started 'One PD' slogan with a "Sammy Sosa" kiss to the heavens gesture. Sgt. Q explained it as a moral building thing during COVID and it became popular for all shifts to make the gesture when they saw other officers. Cpt. Sundheim took this as a personal attack, because he was the one who came up with the One Dept. slogan. Lt. McCloud told Sgt. Q that he was stirring the pot by making the gesture at Cpt. Sundheim's urging. Very passive/aggressive behavior from brass after this. A letter of reprimand was put in Sgt. Q's personnel file and he was blamed for the attitude of the 'agitators' who spoke up.
- Sgt. Q was dealing with injuries during the '21-22 years. He had physical issues with his neck, back etc from doing the job.

4) – Sgt. Q spoke about a past officer – SO Bjork. He indicated what a great officer she was and "how we need more like her". SO Bjork went to HR about some of the issues and it was largely ignored. There was a incident between Shannon Lackey and SO Bjork at a fellow officers wedding dance. Lackey attacked Bjork at the dance. The next day Sgt. Q was asked about the incident by Cpt Plessus. He said there were multiple incidents like this with Lackey when she was on the PD...but it was always swept away because of her friendship with Chief. Sgt. Q mentioned during the last 4 years we have lost 'dozens' of officers who we shouldn't have lost because of the way the dept. is run. Indicated we have 'lost 200 years of experience' in 4 years.

5) – When the City Council investigation happened in 2020/21 – nobody reached out to speak with Sgt. Q – and they were told to by other officers.

- Sgt. Q spoke about how all officers deal with external drama everyday – patrol, home life etc..he said 'we have enough drama to deal with, we don't need internal drama at the dept' – it adds to mental stress daily.

6) - Sgt. Q spoke about his 2nd interview for Lt. He was either the top Lt. candidate or second candidate...he couldn't remember. He noted how odd the interview portion of his promotion board was. He was asked questions about what his position was within the PD and who he's in charge of? He was also asked how he'd disseminate information to other

officers within the dept. He said "I told them I'd just go talk to them" – Cpt Sundheim's response started with "here's the problem with that". They don't want us talking to the lower grade officers. Sgt. Q said he knew he wouldn't be promoted this time either, because he'd called for an investigation in the Lackey incidents and both Chief and Cpt. Sundheim knew it.

- Sgt. Q spoke with Councilman Pitner a couple years ago when he and Councilman Podrygula were looking into allegations at the MPD. Nothing ever came of it.

HR Director, Lisa Jundt, Response to Officer #10 (Sgt Q) – Steve Schoenrock

Responses address numbered bullet points from information provided by Officer #10

1.) Sergeant Schoenrock commented on the leave issues surrounding Lt. Redding and how he had stepped into the lieutenant's role in Redding's absence. Lt. Redding had sporadic, unplanned absences related to his personal issues. There was not notice during this initial period of Redding's leave for when Schoenrock would have to perform his duties. However when Redding went on an extended FMLA absence in April of 2020, Chief Klug notified HR that Schoenrock would be assuming the role and would receive and increase in pay. **See Exhibit A- Email from Klug giving instructions for raise. Exhibit B – Screenshot from HR software noting additional pay was provided.**

2.) Schoenrock alleges Chief Klug protected Lt. Lackey in the department because they were friends. Lt. Lackey was with the Minot Police Department for over 20 years. During that time she served under four different police chiefs. In reviewing her personnel file, I found many commendations, notes of recognition and personal thanks throughout her service years. **I also found the only disciplinary action ever taken against her was under Chief Klug.** In fact, Chief Klug disciplined her on three separate occasions using a progressive discipline approach. The first disciplinary action was a letter of reprimand for Lackey's inappropriate comments to then Officer Jenna Bjork. The second disciplinary action related to another event pertaining to Officer Bjork which took place away from the department. That disciplinary action resulted in a three-day suspension, loss of annual pay increase, and formal referral to the City's EAP provider for performance issues. The final disciplinary action also concerned and incident that happened away from the police department. The disciplinary action for this incident would have resulted in Lt. Lackey's termination had she not chosen to resign. **See Exhibit C – Letter of Reprimand. Exhibit D – Second Disciplinary Action including the full investigation. Exhibit E- Formal Referral to EAP provider. Exhibit F – Final Disciplinary Action including statement of termination. Note: Lt. Lackey's entire personnel file is available in the HR department for review.**

3.) I would like to make a brief comment concerning Sgt. Schoenrock's accusation of distrusting HR and myself in particular because of my friendship with the Chief. I attended college with Chief Klug and several other MPD officers over 20 years ago. I had not seen Chief Klug, then Captain Klug, in almost a decade when I started with the City of Minot in 2012. My friendship with him is as a peer and co-worker and nothing outside of work. The only time I can recall ever having a drink with Chief Klug has been at a couple of City Christmas parties which were attended by 100+ other employees. I would hardly consider this a reason for distrust.

4.) I vaguely recall Officer Bjork coming to my office in the summer of 2020 to discuss and issue with Lt. Lackey. Since I am not Lt. Lackey's supervisor, and also to follow policy, I would have asked her if she had spoken with her supervisor concerning the issue. If she had not spoken to her supervisor, I would have directed her to do so. I believe she did go to her supervisor concerning the issue as that was the catalyst for Lt. Lackey's first disciplinary action (previously provided Exhibit C). HR cannot be the first line for complaints when the department may ultimately have to conduct a more thorough investigation. The complaint procedure is outlined in the City's Harassment Policy section of the City Employee Handbook which Officer Bjork acknowledged she received and reviewed. **See Exhibit G- City of Minot Harassment Policy. Exhibit H -Officer Bjork Employee Manual Acknowledgment Form.**

5.) Sgt. Schoenrock stated he was not he was not contacted concerning the City Council Investigation that took place in 2020-2021. I am only aware of the one investigation that took place and Sgt Schoenrock was in fact interviewed by investigator, Michele Sturgell, for the investigation. **See Exhibit I- Schoenrock interview acknowledged by Steve Schoenrock.**

6.) Sgt. Schoenrock alleges retaliation for reporting a complaint when he was not promoted to the position of Lieutenant. Chief Klug followed the City's personnel ordinance in promoting individuals to the position of lieutenant. The ordinance states that the hiring manager can make their determination from the top three certified individuals. The appointed list must be certified in numerical order, but the final selection does not have to take the placement in any particular order. Former Police Chief Olson, actually selected candidate number 3 over candidate number 1 when he last promoted for the position of Lieutenant. **See Exhibit J – Excerpt from personnel ordinance addressing ranking lists. Exhibit K – Certified Lieutenant List from February 2019. Exhibit L – Certified Lieutenant List from June 2020.**

Exhibit A

Lisa Jundt

From: John Klug
Sent: Thursday, June 11, 2020 8:11 PM
To: Lisa Jundt
Subject: Re: Pay increase

Sounds good, thank you.

Chief John Klug
City of Minot
Phone: 701-857-9800

From: Lisa Jundt <lisa.jundt@minotnd.org>
Sent: Thursday, June 11, 2020 7:05:21 PM
To: John Klug <john.klug@minotnd.org>
Subject: Re: Pay increase

John,
I will use this email as authorization to increase pay. We will give him back pay to ~~April 28th~~ April 26th

---

From: John Klug <john.klug@minotnd.org>
Sent: Thursday, June 11, 2020 5:10 PM
To: Lisa Jundt <lisa.jundt@minotnd.org>
Cc: Laurie Davis <laurie.davis@minotnd.org>
Subject: Pay increase

Hello Lisa,

I'm not exactly sure how this works, but I'd like to give Steve Schoenrock a 5% bump in pay as we put him in charge of night shift during Scot Redding's absence. This officially took effect around the time we got notice from Dr. Reeve on April 28th. If possible, I would like to back date this to April 26th as I think that would be the start of a pay period closest to the date of the letter. He had been picking up the slack for about a month prior to that, which is why I think this date is fair.

Please let me know if you have any questions or if there is something else I have to do to make it happen.

Thank you!

Chief John Klug
City of Minot, Police Department
Office Phone: 701-857-9800

FBI-NA 258

City of Minot

PR700U01 CITY OF MINOT 9/26/24

Employee Status History 16:34:30

Employee . . . . . : 7331 SCHOENROCK, STEVE J

Position to date . . _____

Exhibit B

Type options, press Enter.

2=Change 4=Delete 5=Display 6=Comments

Opt	Date	Description	- - - Rates - - - Hourly	Annual	Cmt
_	1/01/23	STEP INCREASE	41.8400	87,027.20	
_	1/16/22	CORRECTION	40.8200	84,905.60	
_	1/01/22	STEP INCREASE	40.8200	84,905.60	
_	1/01/22	RANGE ADJUSTMENT	39.8300	82,846.40	
_	1/01/21	STEP INCREASE	36.9800	76,918.40	
_	8/03/20	TEMPORARY PAY	36.0800	75,046.40	
_	4/26/20	TEMPORARY PAY	37.9100	78,852.80	
_	1/01/20	STEP INCREASE	36.0800	75,046.40	
_	1/01/19	STEP INCREASE	35.2000	73,216.00	
_	6/24/18	STEP INCREASE	34.3400	71,427.20	
_	6/24/18	RECLASSIFICATION	33.5000	69,680.00	

More...

F3=Exit F6=Add F8=Print F9=Alt view F12=Cancel F17=Subset

Roll up or down past the first or last record in file.

Exhibit C

City of Minot

Police Department

June 10, 2020

To: Lieutenant Shannon Lackey

Re: Letter of Reprimand

Captain Dale Plessas received a complaint from Officer Jenna Bjork alleging she had made inappropriate comments to her in front of co-workers. She had additional information that comments were also made by Lt. Lackey to another subordinate on the shift and that these comments were made over the last several months.

An investigation into these allegations was conducted by Capt. Plessas (see attached summary of investigation). Of the various policies considered the only sustained violation of policy was Policy 322 – Standards of Conduct. The section of that policy that was violated is 322.5.9 (f) (m) whereas the conduct of Lt. Lackey talking negatively about another officer with a subordinate would be discourteous or disrespectful. The conversation off-duty with one subordinate about another subordinate by a supervisor that discusses performance or appearance would also be inappropriate and unbecoming and does not positively impact the morale and would reasonably reflect poorly on the targeted officer.

Findings:

1. Lt. Shannon Lackey violated sections of Policy 322 – Standards of Conduct, when she made comments and/or had conversations with subordinates, which is outlined in detail in Captain Plessas' report.

Disciplinary Action:

1. This is the first violation by Lt. Lackey so this letter of reprimand will be placed in her personnel file and in the internal investigations file.
2. Lt. Lackey will be required to attend additional training on Supervision which will specifically deal with relationships and/or proper communication with subordinates.

Notice:

1. This letter will also serve as official notice that the conversations, statements, or comments are offensive and demeaning to Senior Officer Jenna Bjork and any additional comments made to or about her will likely be a violation of City Policy referencing harassment and hostile work environment.

John Klug, Chief of Police

I hereby acknowledge receipt of a copy of this letter.

Shannon Lackey, Lieutenant

This is not an omission of guilt - but I will heed this warning. SL 06/10/20

City of Minot

Police Department

Exhibit D -1

December 1, 2020

To: Lieutenant Shannon Lackey

Ref: Internal Investigation # 20-12

This report outlines the results of a complaint about Shannon Lackey's actions while off-duty and in attendance of the wedding of Stephanie Lentz. This incident occurred on October 16, 2020 and reported to Chief Klug on October 29, 2020. Chief Klug assigned the investigation of the incident to Captain Dale Plessas the same date. For specific information about the allegations and investigation, please refer to Captain Plessas' report of investigation.

In summary, the complaint brought forth some alleged name calling initiated by Shannon Lackey and directed toward Jenna Bjork, both were off-duty attending the wedding reception. There was also an allegation of an assault initiated by Shannon Lackey and directed toward Aaron Bowles. Both specific allegations were either unfounded or not sustained through the investigation.

The investigation did lead to the discovery of some unreported activity by Shannon Lackey that was found to be in violation of Minot Police Department policy and is again outlined with more specific detail in the investigative report. In summary, Shannon Lackey was observed at the event at Sleep Inn in south Minot and was visibly intoxicated. She was observed becoming angry and walking aggressively toward Jenna Bjork but was stopped by her husband and he told her something along the line of, no Shannon we're going... we're not doing this. In this incident, alcohol was a factor in Lackey's behavior and actions.

Information outlined in the full report also outlines the perception of many that Lackey has a history of intoxication that many times leads to undesirable behavior in public. Her role as a police lieutenant and having grown up in Minot makes her well known within the Minot community. Her behavior reflects poorly on the images of her and the Minot Police Department.

It is known to many on the department that Shannon Lackey and Jenna Bjork do not have a positive relationship and the aggressive posture and walk toward Jenna Bjork would have likely led to the incident getting out of control had Shannon not been stopped by her husband.

In a separate complaint made by Jenna Bjork against Shannon Lackey for comments made to other coworkers about her appearance, I issued a letter of reprimand to Lt. Lackey on June 10, 2020. That reprimand was for violation of Policy 322 – Standards of Conduct and was the first documented violation of that policy. The letter or reprimand was placed in her file and the second course of action to be taken was a requirement for Lt. Lackey to attend additional supervision training that would specifically address relationships and/or proper communication with subordinates. This training has not been accomplished due to the barriers caused by the current pandemic making training and travel difficult to achieve safely.

Findings: The actions by Lt. Shannon Lackey while off-duty in attendance of a wedding reception on October 16, 2020 have led to the following violations of Minot Police Department Policy being **sustained** and are the basis for the disciplinary action in this case.

Exhibit D-2

- Policy 322 – Standards of Conduct
  - 322.5.9 – Conduct
    (f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the City.
    (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the Member's relationship with this department.
    (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.

Discipline: As a result of these findings I am ordering the following for Lieutenant Shannon Lackey:

- Lt. Lackey will be suspended without pay for a period of 3 days (30 hours).
- Lt. Lackey will not receive a pay advancement previously determined by the 2021 Pay Plan.
- Lt. Lackey is being formally referred to The Village business Institute, Employee Assistance Program to help with establishing appropriate on and off duty behaviors and relationships with subordinates.
- Lt. Lackey will attend the Basic Supervisory Liability course offered online through FBI-LEEDA.
- A copy of this letter will be placed in the personnel file of Shannon Lackey in the City of Minot Human Resource Office.

Future violations of policy may result in progressive disciplinary action, up to and including termination.

John Klug, Chief of Police — Date 12/1/20

I have been given a copy of this disciplinary decision.

Shannon Lackey, Lieutenant — Date 12/1/20

Witnessed by:

Justin Sundheim, Captain — Date 12-1-20

Optional waiver:

I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

Shannon Lackey — Date 12-03-20

Exhibit D-3

Minot Police Department

INTERNAL INVESTIGATION

Internal Investigation 20-12

RE: Employee Standards of Conduct Complaint

Employee:	Lt. Shannon Lackey
Source of Complaint:	Sgt. Paul Burns
Interviewed:	Sgt. Paul Burns, Off. Shawn Reis, Off. Jenna Bjork, Off Anthony Hugg, Off. Kristian Shaide, Off. Patrick Blanchard, Off. Aaron Bowles, Off. Andrew Roach, Sherry McLaughlin, Shannon Strutton, Sabrina Deadmond, Lt. Shannon Lackey, Jesse Miller, Sgt Steve Schoenrock
Complaint Date:	October 29, 2020
Investigation Date:	October 29, 2020 to November 13, 2020
Investigator:	Capt. Dale Plessas – Minot Police Department

Synopsis:

Sgt. Paul Burns sent an e-mail to Captain Justin Sundheim and Lt. Matt McLeod, outlining concerns he has with Lt. Shannon Lackey. This email focused specifically on Lackey's off duty behaviors while she is drinking.

Synopsis of Email from Sgt. Burns detailing Standards of Conduct Complaint:

On October 16, 2020 Lackey and several other officers attended the wedding reception of off duty Police Officer Stephanie Lentz at the Sleep Inn Motel. At some point during the evening, while Lackey was outside of the banquet hall with other off duty officers, Jenna Bjork walked out of the banquet hall. Lackey reportedly made the statement "Bitch" and "Cunt" at the sight of Bjork. Lackey also reportedly start towards Bjork, but was blocked by Lackey's husband, Ryan Lien. This incident was reportedly witnessed by several off-duty officers; however, Bjork did not know about this incident until later when it was relayed to her.

Also detailed is an incident where Lackey was at The Spot Bar in Minot for its Oktoberfest event. Lackey reportedly wanted to participate in the axe throwing event and was denied by the man in charge of safety due to her level intoxication. Lackey reportedly became augmentative.

Exhibit D-4

Minot Police Department

The final incident detailed occurred on an unknown date at Ebenezer's Bar. Lackey reportedly became belligerent and argumentative with the manager after being stopped for attempting to remove a drink from the premises.

Burns further reports that he has been told that Lackey is "frequently intoxicated", and he believes "she may have a problem".

Summary of investigation:

10-29-2020:

0900 - Chief Klug assigned me to conduct an internal investigation into allegations made by Sgt. Paul Burns in regard to Lt. Shannon Lackey

1256 – Received and reviewed the complaint from Chief Klug via the forwarded e-mail from Paul Burns. This email was originally sent to Capt. Sundheim and Lt. McLeod at 1229 Hours on October 29, 2020.

10-30-2020:

0901 – Sgt. Burns gave me a statement regarding the e-mail complaint he made. In his statement he indicated:

- Burns became aware of the incident when an Officer brought it to his attention. He did not witness these events firsthand. Later when I asked who brought it to his attention, he indicated it was Sgt. Schoenrock.
- Burns said the incident occurred at the wedding reception of Stephanie Lentz being held at the Sleep Inn Suites in one of the banquet halls.
- Burns said Lackey was reportedly out in front of the hall and when Officer Bjork came out Lackey yelled "Bitch" and "Cunt".
- Burns said he confirmed that this occurred by contacting officers who were there at the time. He said he talked to Officers Bjork, Roach, and Bowles.
- Burns said Officer Roach confirmed the comments were made and indicated that Roach knew they were directed to Bjork because they were made when she entered the area and that was the only thing that changed at that time. Burns said it was officer Roach's belief that it was directed at officer Bjork. Roach also saw Lackey strike Officer Bowles.
- Burns said Officer Bjork indicated that she had her back to Lackey and did not know anything happened until later. Her boyfriend, Jesse heard something going on but did not know it was directed at Bjork until later. Bjork did indicate to Sgt. Burns that she has had problems with Lt. Lackey and there was no love lost between the two.
- Aaron Bowles told him he was present at the wedding. He did not hear Lackey make comments but knew she was intoxicated and upset when she saw Bjork. Bowles told Burns that Lackey did start at Bjork, but her husband Ryan put his arm out and stopped her from proceeding forward. Bowles expressed to Burns that Ryan was upset with Lackey.

- Burns indicated he knew Bjork, Roach, Bowles, Hugg, and Reis were present. He did not talk to Hugg or Reis.
- Burns expressed concerns over a couple of events that he heard of, second hand, in which Lackey was intoxicated. He described an incident at the Spot during an Oktoberfest event and Axe throwing contest where Lackey got into an argument with the safety person at the contest. Another incident at Ebenezer's when she wanted to leave with a drink and management would not let her.

Burns later gave me the names of Sherry McLaughlin and Shannon Strutton as witnesses to the events at The Spot. He also said the manager at Ebeneezer's, later identified as Sabrina Deadmond could verify the incident at Ebeneezer's.

11-03-2020:

0741 – Met with Officer Reis. In his statement he indicated:

- Reis was not present at the wedding reception of Stephanie Lentz. He said he was working on patrol at the time.
- Reis believes someone mistook him for Officer Kristian Shaide. Reis said he knows that Shaide went to the party with Officer Hugg.

1041 – Met with Officer Bjork. In her statement she indicated:

- Bjork heard from others (Bowles and Blanchard) that on the night of Stephanie Lentz's reception Lackey was yelling names at her and was trying to physically fight or assault her. Bjork indicated she did not hear the names and was unaware of the incident until the next day.
- Lackey arrived at the reception after dinner. Bjork estimated Lackey's arrival at around 8 pm.
- Others advised Bjork that Lackey called her a "cunt" and "a fucking bitch".
- Bjork indicated she had no interaction with Lackey at all that night. Nothing to instigate this.
- Bjork was accompanied by her boyfriend, Jesse Miller.
- Jesse, Bjork's boyfriend, did hear Lackey's outburst but at the time did not know that it was directed at Bjork.
- Later Bowles approached Jesse at the reception about the outburst by Lackey. Bjork indicated that Jesse believed Bowles was trying to get a feel for how Jesse felt about Lackey's outburst. This is when Jesse realized it was directed towards Bjork.
- Blanchard later talked to Bjork and said Lackey was "acting the fool" and that Lackey's Husband Ryan, stopped Lackey, told her she was going to lose her job if she didn't stop, and asked for help getting her out. Bowles assisted in getting her out.
- Bjork said Lackey was clearly intoxicated when she arrived at the reception. Bjork said Lackey "Mad Dogged" her which she characterized as staring at her with a "mean look" and pointing at her. Bjork indicated that she ignored it.

Exhibit D-6

- When I asked Bjork about her feeling about what occurred she expressed concern with Lackey's drinking and how it affects the reputation of the Minot Police Department.
- Bjork indicated that she cannot work for Lackey. She indicated that Lackey and her only communicate through e-mail.
- Bjork indicated that she did not bring this complaint to us because she did not hear it. She did not feel she had any place bringing the complaint when she did not witness it.
- Bjork expressed that Lackey's behavior is affecting patrol considerably.
- Bjork stated "it's more than just me and Paul Burns who are watching how this is handled"

11-4-2020:

0750 – Met with Anthony Hugg. In his statement he indicated:

- Hugg was at Alex Nelson's wedding reception and later went to Stephanie Lentz's reception. Hugg said he saw Lackey at both dances.
- Hugg said he was heavily intoxicated by the time he got to Lentz's reception and does not remember much.
- Hugg indicated that he knew Lackey was intoxicated at Nelson's wedding but does not recall any of the events from Lentz's wedding.
- Hugg said he was intoxicated to the point where he was throwing up. He said he does not remember being brought home but was later told that Lackey's husband, Ryan, gave him a ride.

11-5-2020:

0742 – Met with Kristian Shaide. In his statement he indicated:

- Shaide went to both Alex Nelson and Stephanie Lentz's wedding receptions. He was with his girlfriend, Lilly.
- Shaide saw Lackey at Alex Nelson's Wedding reception and talked to her briefly. He indicated she did seem intoxicated. Her speech was a little slurred.
- Shaide did see Lackey at Lentz's wedding but had very limited contact with her.
- Shaide did not see anything happen. He later heard others talking about an incident at the wedding and days following.
- He indicated he was kind of intoxicated.

11-10-2020:

0749 – Met with Patrick Blanchard. In his statement he indicated:

- Blanchard was at Stephanie Lentz's reception. He had had brief interactions with Shannon Lackey.
- Lackey was in the hall outside the reception area. Blanchard said he walked out into the hall were other officers were hanging out.
- Indicated Lackey was intoxicated and upset about something.

- He said he felt like he walked in on something, but he did not know what.
- Lackey's husband and Aaron Bowles were trying to get Lackey out. Ryan was saying "Hey, we got to go, we got to go".
- Eventually, Lackey left with her husband.
- Lackey seemed intoxicated due to slurred speech and the way she was acting.
- She asked Blanchard if he were "part of it" and "would you do that to me" but he did not know what she was referring to at the time.
- He did not see any statements directed at anyone else. He indicated he could tell that her behavior was directed at someone at the party that had upset her.
- Blanchard did not see Lackey strike anyone or make any aggressive moves. He said she cusses when she talks but did not see anything directed at anyone.
- He said he does not know specifically who witnessed this incident other than Aaron Bowles but there were other officers in the hallway.

11-11-2020:

1359 – Met with Mikali Talbott. In her statement she indicated:

- Talbott was at the wedding reception. She saw Lackey at the reception.
- Talbott said she did not witness an altercation at the wedding.
- Talbott said Lackey was extremely intoxicated when she arrived at the wedding. Talbott based this opinion on the way Lackey was walking, talking, her slurred speech, her eyes were blood shot.
- Talbott heard about Lackey punching Bowles and Schoenrock at the dance.
- Talbott said she talked to Bowles and Bjork about the altercation.
- Talbott said she heard from others that Lackey called someone a "Stupid Bitch and a Cunt". She indicated that she does not know if those words were directed at Jenna or someone else.
- She indicated that she personally did not hear Lackey say anything other than "No one wants to dance with me".
- Talbott made indication that if Jenna had heard comments directed at Jenna, there would definitely have been a reaction and many people would have been involved.

11-12-2020:

0911 – Met with Aaron Bowles. In his statement he indicated:

- Bowles attended both Alex Nelson's and Stephanie Lentz's wedding receptions.
- Bowles said he arrived at Lentz's reception and Lackey arrived a short time later.
- Bowles indicated that when Burns called him to ask what had happened at the wedding Burns alluded to Lackey assaulting him at Lentz's wedding. He said this did not occur. He said what Burns thought was an assault was Lackey and him joking around and was completely in jest.

Exhibit D-8

- He said the wedding was casual and everything was fine until he saw Bjork and a group of people standing in the hall near the bathrooms. He said Lackey came out and rounded the corner and saw Bjork. Lackey had a visible "negative reaction, and walked towards her and it was, she was dramatic about it." Bowles said Ryan put his arm out and told her to stop that and said something to the effect "you're going to make an ass out of yourself, You're going to get into trouble".
- Bowles was in close proximity to them and did not hear Lackey make any comments. He indicated that Sgt. Burns had told him that he had heard that Lackey called Bjork a bitch or cunt, but he did not hear that. He further said he knows for a fact that Jenna did not hear that.
- Lackey did not make any further attempts to approach Bjork.
- Later in the evening Ryan came to Bowles and asked him to help get Lackey out of there. Bowles knew that Hugg was sick in the bathroom and Bowles felt that this was an opportunity to have Lackey help with Hugg and thus leave the reception.
- Bowles indicated he later messaged Lackey on snapchat asking if Hugg made it home and she indicated he did. She did not mention anything to do with Bjork.
- Bowles indicated Lackey's reaction to Bjork was aggressive and he believed this because she was "shaking her head, speaking under her breath, visibly angry" and further stated "she took an aggressive posture and marched towards Jenna with a purpose".
- Bowles was aware of an issue between Lackey and Bjork. As a result, he was not surprised by Lackey's reaction.
- Bowles could not understand what Lackey was saying from under her breath.
- Bowles did talk to Bjork later and she did not know what happened with Lackey. He told her Lackey was not happy to see her.
- Bowles said Burns called him over a week after the reception. Bowles said he was shocked by Burns indicating that Lackey had struck him, and that Lackey called Bjork a "Bitch and a Cunt". He said Burns information was not accurate, to his knowledge.
- Bowles said he did not talk to Jesse about this incident to his recollection.
- Bowles indicated that Lackey was intoxicated, and he based this opinion on her slurred speech and her candor in general. He said she wasn't holding the walls up or staggering around" but she was drunk like many others at this event.
- He said there was clearly a problem but the way it was pieced together to Sgt. Burns was inaccurate.
- Bowles said he does not hang out with Lackey outside of work.

0936 – Called Andrew Roach at home. In his statement he indicated:

- Roach was at the Stephanie Lentz's wedding. He said he was outside talking to Lt. Dyke and his wife. He said Jenna Bjork walked up and was talking as well. He said after a little bit he looked over and saw "Lackey walking over really fast". She looked like she was angry about something when her husband Ryan stopped her and said something like "no, Shannon were going, were not doing this, we're going, we're leaving, get your shit were going".

- Roach said he looked around to see who else saw this and said no one else reacted to it. Roach said he looked around to see "who she might have been going after, wondering if there was someone on the other side of the pile".
- Roach said he could hear Lackey cussing about something but could not really hear what she said.
- Roach said he did not have much interaction with Lackey that night.
- Roach said he did not see Lackey much after this incident. He said he did not think much of it after it was over and does not believe Bjork knew anything about it.
- Roach indicated he did not hear anyone talking about this after the incident. He thought he was the only one who witnessed it.

1414 – Called Sherry McLaughlin – Owner of The Spot Bar - at 701-240-2001. Sherry indicated having knowledge of why I was calling but did not wish to talk to me about this. She made indication that she likes Lackey and does not want to get involved. She further indicated that she knows were Paul (Burns) is coming from, but he is very black and white. Sherry said I should talk to Sabrina at Ebeneezer's as she could tell me more. She also indicated that Ebeneezer's records everything. Sherry said the only thing she would say is that Lackey should not act the way she does because of the position she is in, but will not say anymore. She did contact Sabrina Deadmond and later provided me with a phone number for Deadmond.

1422 – Called Shannon Strutton – Manager of The Spot Bar – at 701-240-2007. Shannon indicated that she has heard rumors about Lackey but has never seen any of it personally. She indicated that Sherry is the only one she knows of who can tell me first hand information. She said she know Sherry does not want to get involved because she is afraid of backlash. Strutton said, Lackey "is not terrible".

1427 – Called Sabrina Deadmond – Bar Manager for Ebeneezer's Bar – at 720-9650. Sabrina said she was willing to talk to me because she was to the point where she was ready to ask Lackey not to come back.

- Biggest issue Sabrina has had with Lackey was one afternoon when Lackey was getting ready to leave, she asked the bartender for a to-go-cup. When the bartender told her no, Lackey began cussing him out, told him to mind his own business, calling him a big bad ass.
- Deadmond said this occurred a couple of months ago – probably September timeframe.
- Deadmond said this is the biggest issue because she could have been held accountable if Lackey were to leave with alcohol and she knows Lackey is a police officer.
- Deadmond said otherwise Lackey is just rude, especially when bar staff try to card her. She said the bar has a 100 % carding policy. She said Lackey does not like being carded and one-time Lackey did not have her ID on her. The bartender refused to serve her. Sabrina said Lackey threw a fit and said she was a police officer. The bar tender said, "then you should know to carry your ID with you".
- Deadmond said she was not present during these, but her bartenders told her about the incidents.

Exhibit D-10

- Deadmond indicated that she does have a surveillance system, but these instances would have been gone by know as it only keeps footage for about two weeks.
- Deadmond said she has about one more time before she decides Lackey is not going to be welcome back.

I later asked Deadmond to reach out to her bartenders and ask them to talk to me. Deadmond agreed to do so but I have not heard from her bartenders as of the date of this report.

1710 – Met with Shannon Lackey. In her statement she indicated:

- I advised Lackey about the complaint and indicated she was accused of making some aggressive comments towards Jenna Bjork on the night of Stephanie Lentz's weeding reception.
- Shannon indicated that she did not recall making any comments.
- Lackey said she arrived at the wedding at around 2200 hrs.
- Lackey went with her husband and met with Darrin Dyke and his wife Kim.
- Lackey stayed at the reception for about an hour.
- Lackey indicated that she does not remember any instance where she made comments or aggressive movements directed at Bjork.
- Lackey said she does not have ill feelings for Bjork and further indicated that sometimes she forgets that Bjork made a complaint against her.
- Lackey indicated she does not recall using the words "Bitch or Cunt" that night
- Lackey said her husband made a comment to her indicating everywhere Lackey was, it seemed that Bjork was right in her circle. Lackey said he did not understand why, if Jenna had ill feelings towards her, Jenna would be so close.
- Ryan also told Lackey that she really needs to stop going to events.
- Ryan told Lackey that at some point Darren was talking to Bjork and Lackey walked up to Darrin and said "really" and walked away.
- Lackey left early to give Hugg a ride home because he was intoxicated.
- Lackey admitted being intoxicated to the point where she would not drive but she was not out of control.
- Lackey does not recall punching Aaron Bowles.
- Lackey never felt angry at anyone at any point.
- Lackey was at the Octoberfest at the spot.
- Lackey said she was never involved in any augments that evening.
- Lackey indicates she did participate in the axe throw competition and was not denied or turned away from participating. Lackey said it was early in her evening.
- Lackey recalled that she initially walked up with a drink and was told she could not have a drink while participating. She put the drink down and indicated it was a friendly interaction.
- Lackey does not recall any instance when she tried to take a drink out of Ebeneezer's. She did not get into an argument with the bartender. Lackey indicated she knows all the bartenders.

11-13-2020:

Exhibit D-11

Minot Police Department

0742 – Met with Sgt. Steve Schoenrock. I gave Schoenrock a Notice of investigation form and copy of policy 1005. He indicated that he understood both and initialed and signed the Notice of Investigation. In his statement he indicated:

- Schoenrock indicated that he did not personally witness anything at Stephanie Lentz's wedding. He indicated that everything he knows came from another officer who was there. Later Schoenrock said Officer Roach was his source of information.
- Schoenrock said he was told Lackey began yelling obscenities, "You fucking bitch, You fucking Cunt" and "Started going at her (Bjork)".
- Schoenrock said that Ryan had to push Lackey away into the bathroom.
- Schoenrock said Roach indicated that it was overheard by several officers but no one else talked to Schoenrock about it.
- Schoenrock said Officer Bowles was standing right next to Lackey.
- Schoenrock indicated that Roach believed others had to have witnessed this as it was "quite loud". He said it was directed at Jenna from what he could tell.
- Schoenrock talked about an instance where Casarez was showing a video from Snap Chat where Lackey was out partying with others in Bismarck. Schoenrock indicated frustration as this was during the height of COVID when officers were told not to travel.
- Schoenrock told Casarez he should give that video to someone. Schoenrock indicated that he did not know what to do with the video.

1041 - I called Jesse Miller (Bjork's boyfriend). – Miller agreed to talk to me via a phone interview. In his statement he indicated:

- Miller indicated he was at the wedding reception with Bjork. He indicated he is aware of an incident where Lackey was shouting obscenities and wanted to start an altercation with someone. He asked others what the outburst was about and was told that it was in reference to an earlier complaint by Bjork and that is why Lackey was acting out.
- Miller could not remember if Bjork were with him at this time.
- Miller said he was talking to Roach and Dyke and he was located next to the women's bathroom. He could not remember where Bjork was at the time.
- He heard Lackey saying obscenities and trying to forcefully make her way through people.
- Lackey's husband stopped her. She was removed from the area and he went about his night.
- He said he asked either Roach, Bowles, or Blanchard what that was about, and was told it was about Bjork's complaint against Lackey. He said it was directed at Bjork.
- He said he did not go into much detail about it with Bjork that night but did talk about it the next day.

11-16-2020

0749 – Met with Andrew to get some clarification on his earlier statement. In this statement he indicated:

Exhibit D-12

- I asked Roach to clarify what he heard on the night of Lent's reception. Roach said "to me it just seemed like it was a cussword. I am not 100 percent sure what variation it was or anything. Seemed that she was frustrated and threw out a cussword".
- Roach said he does not know for sure if it was directed at Bjork. Roach said he never concluded it was directed at Bjork but through a process of elimination he assumed it was directed at Bjork.
- Roach said he was about 7 feet away from Lackey at this point.
- Roach said he did not see Bowles in the area.

Applicable Policy:

Policy 322 – Standards of Conduct - Sustained

Policy 322 – In part

> **322.1 PURPOSE AND SCOPE This policy establishes standards of conduct that are consistent with the values and mission of the Minot Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this Department or a member's supervisors.**

The Standards of Conduct policy recognizes it is not possible to specify all actions that fall outside of acceptable standards, but rather give general guidance. While the policy does not specifically state all actions or behavior that are covered by this policy it does require employees to **"reasonably conform to the guidelines set forth..."**

As Shannon Lackey is a Lieutenant and supervisor, I start my review of policy 322, with Supervisors Responsibilities:

> **322.3.2 SUPERVISOR RESPONSIBILITIES Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:**
>
> > **(d) The unequal exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.**

Unfounded - There is no evidence that Lackey's behavior resulted in an unequal exercise of authority. In her statement Bjork indicated that she did not witness the reported incident and did not know about the allegations until the next day. She indicated she did not report this to

command staff because she did not witness it. Even if Lackey's aggression were directed at Bjork, Bjork would need to have had contemporaneous knowledge about the actions for them have exercised any level of authority over her.

322.5.2 ETHICS

(a) Using or disclosing one's status as a member of the Minot Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

Not Sustained - In reference to the complaint Burns made about Lackey at Ebeneezer's I contacted Sabrina Deadmond, the bar manager at Ebeneezer's. Sabrina stated that Lackey was carded by one of her bartenders one nigh a few months back. Sabrina indicated that Lackey does not like to get carded. Sabrina indicated that Lackey did not have her identification on her at the time and as a result the bartender refused to serve her in accordance with Ebeneezer's policy. Sabrina stated that Lackey threw a fit and said she was a police officer. If true, this instance could be a violation of 322.5.2, but Sabrina admitted that she did not personally witness this occur and indicated that she was given this information by her bartender. I have attempted to reach out to the bartender to get firsthand knowledge but have not been able to make contact. As a result, this complaint cannot be sustained.

322.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and North Dakotan Constitution and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

...Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct

This investigation has established clear concerns about the standards of conduct of Lt. Lackey on October 16th, 2020. What is also clear is the complaint made by Sgt Paul Burns has several inaccuracies and some of the allegations proved to be inflammatory. It is widely agreed that Lackey was intoxicated at Stephanie Lentz's wedding and the evidence shows that she did become angry and made aggressive movements in the direction of a subordinate officer. What has not been substantiated is the inflammatory language she was accused of using or her intentions in making aggressive actions.

Of all the people who were described as being in the hall at the time of this incident, only Andrew Roach, Aaron Bowles, and Jesse Miller witnessed the incident in question.

Bowles was the closest person to Lackey at the time and indicated that Lackey had a visibly "negative reaction and walked towards [Bjork] and ... she was dramatic about it." Bowles indicated that Lackey did not say anything. He further indicated that she did not call Bjork a "Bitch or Cunt" as was stated by Burns. Bowles stated that Ryan Lien, Lackey's husband, put his arm out and stopped her progression and said, "you're going to make an ass out of yourself, you're going to get into trouble". Bowles indicated that Lackey did not make any further attempts to approach Bjork.

Exhibit D-14

Roach had a similar report indicating that he was talking to a group of people that included Bjork. He said he looked over and saw "Lackey walking over really fast". He said she looked angry when her husband Ryan stopped her. He reported Ryan said something to the effect, "no, Shannon were going, were not doing this, we're going, we're leaving, get your shit were going". Roach indicated that he heard Lackey swearing but admitted that he could not make out what swear words she was saying.

Miller indicated he was with Roach and visiting with others. He heard Lackey saying obscenities and trying to force her way though a group of people. He indicated he did not know what was going on and someone told him it was about Bjork.

While no witness reported hearing, Lackey use the words "Bitch" or "Cunt", almost everyone I talked to reported they heard from someone else, that these words were used. The addition of this language is inflammatory and seems to have originated with Officer Roach telling Sgt. Steve Schoenrock what occurred that night and was passed on from there. When I pressed Roach on the exact language used, he said, "to me it just seemed like it was a cussword. I am not 100 percent sure what variation it was or anything. Seemed that she was frustrated and threw out a cussword". Roach further indicated that he could not be sure that the words were directed at Bjork. Whether embellishment or not, Roach's addition of the words "Bitch" and "Cunt" elevated Bruns's concern to the point where he wrote an email complaint.

Burns also reported an incident that occurred at The Spot on the night of their Oktoberfest event as well as one that occurred at Ebeneezer's Bar. It is doubtful that these allegations would have come to light if it were not for the above listed incident. For these allegations Burns gave me the names of Sherry McLaughlin and Shannon Strutton as witnesses. McLaughlin refused to talk to me about this incident and she further indicated that she knows were Paul (Burns) is coming from, but he is very black and white. McLaughlin seemed annoyed that Burns brought her into this situation but did indicate that Lackey should not act the way she does while in her position. Shannon Strutton indicated that she did not witness what Burns reported and further indicated that Lackey is "not terrible". Sherry indicated the only person she knows of who witnessed Lackey's behavior was Sherry McLaughlin and she was worried about repercussions.

Sabrina Deadmond did talk to me about two incidents that she had been made aware of but admitted that she has not personally witnessed either event. Sabrina said she received reports from her employees that Lackey began cussing her bartender out when he refused to give her a to-go-cup and on another occasion when she was refused service due to not having her driver's license on her. While Sabrina did witness the event personally, she said she is on her last warning with Lackey and if it happens again, she will be banned from Ebeneezer's. Sabrina indicated she would talk to her bartenders and have them contact me if they were willing to contribute to this investigation. As of the date of this report they have not called me.

322.5.9 CONDUCT

Subsections (d), (e), (f), (h), and (m)

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict bodily harm on another.

Not sustained - Bowles indicated that Lackey's reaction to Bjork was aggressive because she was "shaking her head, speaking under her breath, visibly angry" and further stated "she took an aggressive posture and marched towards Jenna with a purpose". Ultimately, she was stopped short by her husband and no altercation occurred. Furthermore, it is impossible to know if Lackey's intention was to inflict bodily harm or otherwise. As a result, this subsection cannot be substantiated.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

Sustained - Bowles and Roach had the closest vantage point. Both believed from Lackey's actions and reactions that she was specifically upset with Jenna Bjork. In terms of Lackey and Bjork's relationship, this would make sense as the two had a documented strain in relationship which was delineated in a complaint Bjork filed against Lackey in April of 2020 and the completed investigation into that complaint. Furthermore, while at the reception, Bjork claimed that Lackey had "Mad Dogged" her, which she characterized as staring at her with a "mean look". In statements from Bowles, Roach, and Miller we have evidence that Lackey's husband had to act to physically stop Lackey from moving forward at Bjork. With all this information it is reasonable to assume that Lackey was upset with Bjork and had some sort of nefarious intentions which she made public by her actions. Lackey showed clear contempt for Bjork which is appropriately categorized as discourteous and disrespectful to her.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

Sustained – The above listed actions are at least disgraceful conduct, that was witnessed by a minimum of two off-duty police officers. The actions were directed at an off-duty police officer. The results of these actions have become common knowledge throughout the police department. While the rumors that have spread, are more inflammatory than the actual events, it was still actions brought on by Lackey, a supervisor, that lead to this disgraceful situation. As a result, Lackeys actions have adversely affected Bjork's as well as her own relationship with this department.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

Sustained –There is little question that Lackey was intoxicated at the time of this incident. Even in her statement she admits to being too intoxicated to drive. Lackey's behavior at Stephanie Lentz's wedding reception has been categorized as aggressive by witnesses.

Bowles indicated that Lackey's reaction to Bjork was aggressive because she was "shaking her head, speaking under her breath, visibly angry" and further stated "she took an aggressive posture and marched towards Jenna with a purpose".

Roach expressed similarly that he saw "Lackey walking over really fast". She looked like she was angry about something when her husband Ryan stopped her. Roach said he looked around to see "who she might have been going after, wondering if there was someone on the other side of the pile".

Exhibit D-16

Miller indicated that he heard obscenities and saw Lackey trying to forcefully make her way through people.

Any officer should reasonably know that such behavior is unbecoming and is contrary to good order. Furthermore, this behavior tends to reflect unfavorably upon this department and its members.

City Policy Chapter 5 – Workplace Harassment

Workplace harassment was not considered. It should be noted that Jenna Bjork had previously filed a complaint for workplace harassment against Lackey. In this instance, this policy was not considered as Officer Bjork did not express concerns of harassment. When Bjork was asked how she felt about this incident, as it was reported, Bjork expressed great concern about how Lackey's drinking and how it is affecting the department. Bjork stated, "it's more than just me and Paul Burns who are watching how this is handled". As harassment is in the eye of the beholder and Jenna has not expressed that she feels specifically harassed by Lackey's actions, it is not appropriate to consider this policy as part of this investigation. Despite not considering workplace harassment, the department should be concerned about any potential escalation that could develop into harassment concerns.

Exhibit D-17

Minot Police Department

INTERNAL INVESTIGATION

Internal Investigation 2.12

1. Report
2. Statements
    a. Sgt. Paul Burns
    b. Officer Reis
    c. Officer Bjork
    d. Officer Hugg
    e. Officer Shaide
    f. Officer Blanchard
    g. Officer Bowles
    h. Officer Roach
    i. Sherry McLaughlin
    j. Shannon Strutton
    k. Sabrina Deadmond
    l. Shannon Lackey
    m. Jesse Miller
    n. Sgt. Schoenrock
3. Investigative Notes
4. Audio Interview Files
5. E-mail Complaint

ATTENTION SUPERVISOR: A first step in making a successful referral is to call The Village Business Institute's (VBI) Employee Assistance Program at 1-800-627-8220. We'll take you through the process of appropriately referring an employee. Completed forms can be emailed to referral@thevillagefamily.org or faxed to (701) 451-5058

Exhibit E

FORMAL SUPERVISOR REFERRAL TO VBI FOR JOB PERFORMANCE ISSUES

Employee Name: SHANNON LACKEY Employee's Job Title: LIEUTENANT DOB [redacted]

Company Name: MINOT POLICE DEPT. Today's Date: 12/1/2020

Primary Contact/Supervisor: JOHN KLUG Title: CHIEF Phone: 701-578-8742 Ext.

Mail Address: PO BOX 5006, MINOT ND 58702

Email: john.klug@minotnd.org

REASON(S) FOR REFERRAL

Performance difficulties: (Please check all that apply.)

- ☐ Difficulty working with others
- ☐ Unacceptable quality of work
- ☐ Safety violations
- ☐ Excessive absenteeism
- ☐ Unacceptable quantity of work
- ☐ Communications problems
- ☐ Leaving early
- ☐ Punctuality
- ☒ Other Healthy boundaries with subordinates

Describe specific behavior changes necessary for improved performance: Need professional behavior from Shannon to ensure healthy working relationships w/ subordinates and other dept. members. Any issues she thinks are important to personal development & professional development.

ADDITIONAL COMMENTS BY REFERRING SUPERVISOR

(Supervisor: Attach relevant documentation pertaining to employee job performance)

Above observations have been discussed on previous occasions? ☒ Yes ☐ No

If yes, list date of first discussion: JUNE 10, 2020 Date of second discussion: _____

Describe conditions for continued employment, disciplinary action pending, etc.

No further on or off duty incidents involving Shannon pertaining to subordinates. This can be accomplished through work/life balance. Documents available pertaining to work issues available upon request.

Employee Signature and Release of Information

By signing below, I Shannon L. Lackey (print name), hereby authorize VBI program staff and the supervisor listed above to exchange pertinent and relevant information regarding:

1. My not scheduling/scheduling of appointments through VBI.
2. Verification of my attendance at scheduled appointments.
3. Results and recommendations of my counseling or consultation through VBI.
4. Information regarding compliance with recommendations.
5. Program involvement dates and program completion information.

My signature also serves as acknowledgement that the relevant policies and procedures affecting me have been clearly explained to me.

Shannon L. Lackey — Client/Employee Signature

12-03-20 — Date

As a supervisor, I have explained the relevant policies and procedures described in this form. The employee has indicated his/her understanding of these issues.

[signature] — Primary Contact/Supervisor Signature

12/3/2020 — Date

_____ — VBI Contact Person's Signature

_____ — Date

The Village Business Institute a division of The Village Family Service Center

Exhibit F-1

City of Minot

Police Department

March 13, 2021

Report of Findings and Discipline
Shannon Lackey, Lieutenant
Internal Investigation # 21-5

On Friday, February 26, 2021 I was notified of an incident at bar in southeast Minot involving Lt. Shannon Lackey while she was off duty. She left the establishment prior to officers arriving on scene and no contact was made with her that night. I initiated an internal investigation and assigned her supervisor, Captain Jason Sundbakken, to conduct the investigation.

Capt. Sundbakken initiated the original investigation that night and continued Saturday, February 27th. When Capt. Sundbakken called Shannon to have her come to the police department to give a statement on Saturday, she told him she was going to resign on Tuesday (3/2) when she returned to work since she was scheduled to be off on Monday for a medical appointment.

Capt. Sundbakken called and informed me of this information, and we discussed our policy requiring her to report and give a statement upon request. I contact Shannon via text and informed her she would be facing an additional policy violation if she did not give a statement for our administrative investigation and she said that was not her intent, she just thought it resolved the need for an investigation if she resigned. She told me she would be in route to the police department to meet with Capt. Sundbakken at that time.

On Sunday, February 28th I sent a text to Shannon once again asking if she could come to the police department prior to her appointment on Monday morning so I could place her on administrative leave. She told me at that time that she could not and that she did not understand the reason for the administrative leave because she told Capt. Sundbakken on Saturday (2/27) that she resigned. Capt. Sundbakken said they discussed that she was going to do that on Tuesday, but she did not give him a letter, so he thought she was going to officially resign on Tuesday, March 2nd. I sent her another text and told her I would note her resignation on February 27th for the official date.

I received the final report containing the details of the investigation into Shannon's actions on February 26, 2021. Please refer to Capt. Sundbakken's report for details about the investigation as I will only summarize the activity for the sake of explaining the actions which I believe constitute violations of the Minot Police Department policy.

As reported and confirmed through the statements and video obtained during the investigation, Shannon Lackey was extremely intoxicated and was seen staggering from table to table visiting with several patrons in the bar. After nearly an hour, Shannon approached a table where a long-time friend was sitting and punched her in the shoulder then three times in her side then put her hands around her neck. A male who also knows Shannon stepped in to intervene and Shannon kneed him. She then went to another acquaintance at the table and exchanged words with her. At some point the acquaintance she struck with her knee handed his phone to her and asked that she talk to a former officer and friend of hers and she knocked the phone away causing damage to the subject's cell phone. The owner of the bar then approached Shannon and eventually escorted her from the business where she got into a Lyft

Exhibit-F-2

and left the area. Her actions listed above, if the victims wished to sign a criminal complaint, could have led to criminal charges for disorderly conduct, simple assault, and criminal mischief.

I listened to the interview conducted with Shannon Lackey about the incident and she denied knowledge of any of her actions. In the prior incident investigated in 2020, Shannon also said she could not remember parts of what happened that evening. Although there is no proof to show she is lying, it appears that she remembers regular occurrences throughout the night, but only forgets the actions that would reflect poorly upon her or be evidence of wrongdoing or policy violations. This inconsistency in memory makes me believe Shannon is not being completely truthful in her statements in both incidents.

Although none of the subjects who would have been victims did not want to sign a complaint, that does not excuse the behavior or reduce the seriousness of her actions. Lt. Lackey was disciplined for an incident that occurred on October 29, 2020, which also involved alcohol consumption and aggressive actions by Shannon while off-duty. The pattern of destructive behavior and excessive alcohol use cannot be tolerated by a sworn police officer, especially a lieutenant with our department who should be setting a good example for her subordinates to follow.

Findings: The actions by Lt. Shannon Lackey while off-duty at a bar on February 26, 2021 have led to the following violations of Minot Police Department Policy being **sustained** and are the basis for the disciplinary action in this case.

- Policy 322 – Standards of Conduct
  - 322.5.9 – Conduct
    (f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the City.
    (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the Member's relationship with this department.
    (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.
- North Dakota Peace Officer Standards and Training Board (ND POST), Peace Officer code of conduct (109-02-05-01)
  - Section 4(c) – To engage in conduct that is in violation of the criminal laws of the state or federal government or ordinance of a political subdivision of the State of North Dakota.

Discipline: As a result of these findings and the history of events over the past year would, if Shannon Lackey had not resigned, led to the following disciplinary action:

- Lt. Lackey would be terminated from employment with the City of Minot, Police Department effective immediately.
- A copy of this letter will be placed in the personnel file of Shannon Lackey in the City of Minot Human Resource Office.

John Klug, Chief of Police

3/13/2021
Date

Exhibit F-3

INTERNAL INVESTIGATION NOTES
INTERNAL #: 21-5
INCIDENT #: 21-5603
EMPLOYEE: LT. SHANNON LACKEY
RESULTS: SUSTAINED

2-26-21

- I was contacted by Captain Sundheim regarding an incident that had occurred at Bootlegrz Bar (515 20th Ave. SE) involving Lt. Shannon Lackey. Lt. Lackey allegedly arrived at the bar intoxicated and was involved in a physical altercation with another female at the bar and a male individual who tried to step in.
- I responded to the police department to begin interviewing Officers who responded to, or had information related to the call.
- I interviewed Sgt. Dave Chapman, who responded to the scene to back up Sgt. Wheeler. Prior to speaking with Chapman, I read through and had him sign a Notice of Internal Investigation (Item 1.1). Sgt. Chapman indicated that he and Sgt. Wheeler had just cleared a call on 19th Ave. SE when dispatch contacted Sgt. Wheeler to patch a call through from the owner of Bootlegrz Bar. Sgt. Wheeler apparently spoke with Dave Humphries and advised him of the incident at his bar involving Lt. Lackey. Sgt. Chapman arrived at Bootlegrz shortly after Sgt. Wheeler. Upon arrival he observed a Lyft (ride-share) leaving the parking lot but did identify who the passenger was. Chapman indicated that Humphries told he and Sgt. Wheeler that Lackey was very intoxicated upon arrival at the bar. At some point Lackey became involved in a physical altercation with another female patrol of the bar. During that altercation, another male individual (who was identified as possibly a former State Trooper) was kicked in the groin by Lackey. Another individual named "Mike" (who was identified as possibly a former Burlington PD Officer) tried to intervene as he knew Lackey. At that point Lackey slapped his phone out of his hand causing damage to the phone. Humphries said he and his staff took nearly 20 minutes to get Lackey out of the building. Once out she left, just prior to officer arrival, in a Lyft. While Chapman and Wheeler were speaking with Mr. Humphries he advised them that Lackey had threatened to have his business surveilled and charged if he called the police. Sgt. Chapman said that the individual name "Mike" was an acquaintance of Rich Lewellyn (former PD officer) and that he would have his contact information. Chapman indicated that Officer Steve Kenny was in the area and observed a Lyft leaving the parking lot of Bootlegrz. He followed that vehicle all the way to Lackey's residence and said it appeared as if it was trying to evade him at times. The recording of Sgt. Chapmans' interview was attached to the internal case file (Item 2.1).
- I interviewed Sgt. Dan Wheeler, who was the first unit on scene and who Mr. Humphries had spoken directly with prior to arrival. Prior to speaking with Wheeler, I read through and had him sign a Notice of Internal Investigation (Item 1.2). Sgt. Wheeler indicated that shortly after clearing a call on 19th Ave. SE he received a radio communication from Minot

Exhibit F-4

Central Dispatch requesting to forward a call to him. A call was forwarded to Sgt. Wheeler's car phone from Dave Humphries, owner of Bootlegrz Bar. Mr. Humphries advised Sgt. Wheeler that they were having issues with "Shannon" who was a Lieutenant at the police department. Wheeler and Chapman responded, and Wheeler arrived first. Upon arrival Sgt. Wheeler said that he made contact with Mr. Humphries at the bar. He was told that Lackey had arrived at the bar with a male individual (not her husband Ryan) and was very intoxicated. At some point Lackey became involved in a physical altercation with another female patrol of the bar. During that altercation Lackey allegedly kicked another male individual in the groin when he tried to intervene. A third individual who knew Lackey also tried to intervene and she allegedly slapped his phone out of his hand causing damage to the phone. Humphries told Wheeler that Lackey had left in a Lyft just prior to his arrival. Humphries told Wheeler that Lackey had threatened to have surveillance on his business and get him in trouble if he contacted the police department. Sgt. Wheeler indicated that he was later advised that Officer Steve Kenny had been in the area and observed a Lyft leaving the Bootlegrz parking lot. He followed the vehicle all the way to Lackey's residence and said that it appeared to be trying to evade him during that time. The recording of Sgt. Wheeler's interview was attached to the internal case file (Item 2.2).

- I interviewed Officer Steve Kenny regarding his involvement and observations. Prior to interviewing him I read through and had him sign a Notice of Internal Investigation (Item 1.3) Officer Kenny said that when the call came out he was nearby, so he began to respond. As he was en route information was relayed over the radio that the individual causing problems had just left in a Lyft. As Officer Kenny arrived at the parking lot he observed a Lyft leaving the lot. He began to follow the Lyft. He said that the driver of the Lyft took 20th Ave. westbound from Bootlegrz and then Broadway northbound. He said that they were travelling faster than the speed limit and appeared to be making attempts to evade him. He continued to follow the vehicle until it pulled into, what he knew to be Shannon Lackey's driveway. He indicated that he did not follow any further due to his relationship with Lackey and the fact that he did not want her to know who was following her. He did not get close enough to be able to identify Lackey as the passenger of the vehicle. The recording of Officer Kenny's interview was attached to the internal case file (Item 2.3).
- I made contact, via telephone, with Dave Humphries (701-720-9940) regarding the incident at his bar (Item 2.5). He said that he has known Lackey for several years. Humphries said that she arrived at the bar very intoxicated with a male individual, who was not her husband Ryan. He said that due to her intoxication they would not serve her, but she was apparently able to get other people to buy drinks for her. At some point Lackey became involved in a physical altercation with another patron, who Humphries named as "Kelly". Kelly was apparently a former bartender. He did not know her last name but said that he may be able to find that out. Humphries said that he and his staff took approx. 20 minutes to get Lackey to the door. She was argumentative and refusing to leave. At some point they got her to the door and Humphries had two male employees block her way back in. He said that

Exhibit F-5

Lackey left in a Lyft just prior to officers arriving. Humphries indicated that he has had several instances of Lackey causing problems in his bar. He indicated that on many occasions Lackey has threatened him with legal problems if he called the police. He said that she made a similar threat during this incident. Humphries said that he did not know what to do regarding the incident, so he contacted his friend Erik Laudenschlager. Laudenschlager advised him to contact the police department which he did (Laudenschlager advised Sgt. Chapman of this call and his advice via text message). I asked Humphries if there was video of the incident inside of the bar. He was not sure that his video would show what occurred in the bar but would check into it. He also agreed to meet with me on 2-27-21 to provide a recorded statement regarding the incident. The recorded phone conversation was attached to the internal case file (Item 2.5)

- I contacted Rich Lewellyn regarding the individual identified as "Mike" that was his acquaintance. He advised me that he had been contacted by Mike Hineman regarding the incident. Mr. Lewellyn was not at the bar when the incident had occurred but was asked by Hineman what he should do. Hineman also told him what had occurred at the bar.
- I left and voice message for Mr. Hineman (701-721-4768) as well as a text message to call me regarding the incident. I was contacted by Mr. Hineman on 2-27-21 at approx. 0700. He said that he had been in the bar when the altercation took place between Lackey and another female patron. Hineman said that he has known Lackey for 20 years and tried to intervene. When he did he said that Lackey slapped his phone out of his hand causing the phone to be damaged. He said that this behavior is out of character for Lackey and that he feels she is having issues of some type. He agreed to meet to speak with me on 2-28-21 at 1200 at the police department. I will obtain a recorded statement from him as well as photograph his broken phone.

2-27-21

- I called Lt. Lackey's work cell phone and left a message for her to contact me. She called back at 1344. I asked Lt. Lackey if she would be available at 1500 to come to the police department and speak with me. At that time, and without being asked any questions, she advised me that she would just be resigning her position at the police department. Lackey acknowledged being at Bootlegrz but said that she did not remember being there or being involved in any incident. She did acknowledge that she was contacted by several friends regarding an incident she was involved in at the bar. Lackey told me that she could not go through another Internal Investigation and wanted to therefor resign. During our conversation I told Lackey not to make this decision rashly or without much contemplation. I also advised Lackey that I could not give her guidance in the matter. At the end of our conversation Lackey reiterated that she would take Monday off and would gather her equipment. She said that she would come in on Tuesday with a resignation letter for the Chief and would turn in all her items at that time.
- Directly after my conversation with Lackey I contacted Chief Klug and advised him of the nature of our talk. He later advised me that he had spoke with Lackey and advised her that

Exhibit F-6

she would still need to provide a statement regarding the incident. Lackey agreed to come in and speak with me.

- I texted Lackey and advised her that I was at my office at the police department and she could speak with me if she were able. She indicated she would respond and provide a statement. Upon Lackey's arrival I obtained a recorded statement regarding the prior evening. Prior to interviewing her I read through and had her sign a Notice of Internal Investigation (Item 1.4). I began by asking what she recalled happening and she said that she did not recall anything about being there. She said that initially she was with her husband, nephew, and other friends at The Ranger Lounge. She acknowledged having several drinks at The Ranger Lounge but not to the point of being "blacked out". Apparently after the Ranger Lounge they went to Aces, which is another bar in town. Lackey did not remember being at Aces. She referenced possibly being drugged as she did not feel she drank enough to be blacked out and was acting out of her nature. Her husband left from The Ranger to pick up their children. She acknowledged being at Bootlegrz with her nephew but does not remember much about being at Bootlegrz. She was apparently contacted by several friends about her behavior while at Bootlegrz. One of those people was the person she was involved in the "physical" altercation with, Kelly Siedeman. Ms. Siedeman is her best friend of several years. Lackey said she didn't remember the confrontation but acknowledged that Siedeman was out with a bunch of friends and had not invited her. She said that would irritate her. Lackey did not know about kicking anyone in the groin but acknowledged "Mike" that was at the bar. She told me that she had been contacted by another person telling her about "Mike". She later told me that person was Rich Lewellyn. Lackey did not feel that her and Kelly Siedeman were involved in an actual fight but didn't deny that something likely happened. Lackey said that her nephew had left prior, but she was with another friend. She did not remember the Lyft ride home but did say that is how she got home. I confronted Lackey about prior problems with her in the bar and the allegations of threats. She denied that was the case and said that she never uses her position to her benefit. I offered to speak with the friend that was with her to get his perspective, but she chose not to release his name. Lackey reiterated that she would be taking Monday off and would bring a resignation letter on Tuesday. The recorded statement provided by Lt. Lackey was attached to the internal case file (Item 2.4)
- I contacted Kelli Siedeman and spoke with her regarding the incident at the bar. Siedeman told me that she had been out with a group of friends. When they arrived at Bootlegrz she observed Lackey at the bar and indicated she looked like she had been there all day (very intoxicated). Siedeman said that she knows Lackey does not like the group of friends that she was with and so she was afraid of a confrontation. She and her group of friends sat down at a table and had been talking when Lackey walked up and punched her three times in the back. She said he was hard enough to hurt. At that time Lackey grabbed her around the neck and "choked" her while speaking directly in her ear. Lackey asked her why she was with those people. A short verbal confrontation happened and then Lackey went back to

Exhibit F-

where she had been standing. A short time later Lackey came back to the table and told Siedeman to tell the others that she was her best friend. Lackey then allegedly gave every person at the table the "middle finger" and said, "Fuck you". Another patron of the bar, not with Siedeman's group, apparently requested that Lackey be removed and at that point Dave Humphries and his staff began working at getting Lackey out of the door. Siedeman said that it took a lot for them to get her to leave. Siedeman acknowledged that one of her acquaintances had apparently videotaped over a minute of the incident. I asked if she could request that video be sent to me. I asked Siedeman if she recalled Lackey kicking anyone in the groin. She indicated that person was a former Highway Patrolman and Federal Officer. He was Native American. She did not remember his name. Siedeman indicated that the other person that Lackey was with was Travis Boser. I provided Siedeman my email and desk number and requested that anyone else who has information please contact me. The recorded phone conversation between Ms. Siedeman and myself was attached to the internal case file (Item 2.6)

- I was contacted by Sgt. Wheeler regarding the Ward County anonymous text tip option on their website. He indicated that he was forwarded an email from Habeeb Rafiu from the Ward County Narcotics Task Force. The email had (2) texts from the WCSO website referring to the incident. This email was attached to the case file (Item 3.1)

2-28-21

- I contacted Mike Hineman via telephone and spoke with him regarding the incident at Bootlegrz. He advised me that he had arrived at the bar at 1930-1945. He did not see Lackey arrive and therefore did not know what time she got to the bar. At some point he said that he went to the restroom. When he came out of the restroom he observed the owner, Dave Humphries, and others trying to get Lackey to leave the bar. Due to his knowledge of Lackey he tried to help. When he arrived at the door Lackey was just outside but was trying to get back inside. He said that she was trying to retrieve her coat, but bar staff told her she did not come in with a coat. At some point Hineman said that he called his friend, Rich Lewellyn, who is also friends with Lackey. In an attempt to have Lackey speak with Lewellyn he handed her his cellular phone. When he did that Lackey threw the phone over her back and it landed on the ground. Lackey throwing the phone to the ground caused it to be damaged. A short time after this occurred a Lyft arrived and picked up Lackey. She left the bar and did not return. Hineman said that he has known Lackey for approx. 20 years. He said that he has observed a similar type of behavior only once prior with Lackey while she was drinking. I asked Hineman if he felt, from his prior law enforcement experience, that Lackey was severely intoxicated or if he felt there were other things going on. He indicated that he felt her behavior was due to intoxication. He also said that he feels Lackey's "compass is broken" indicating that she has, to some extent, lost her way in life. I asked Hineman about the third individual, that has been referenced by others, that Lackey allegedly kicked in the groin. He said that individual was more of an agitator. He thought he was prior law enforcement from another state and not local. He said the

Exhibit F-8

individual was 60-70 years of age but did not know who he was. The recorded phone conversation between myself and Mr. Hineman was attached to the internal case file (Item 2.7)

- I was contacted by Chief Klug regarding Lt. Lackey's resignation. He advised that she told him via text message that she had resigned. He forwarded their text threat and that was added to the internal case file (Item 3.2). He also requested that I remove Lt. Lackey from the electronic door locks within the Police Department building. I responded back to the PD and removed her from the door locks, as requested.
- I was able to download the body camera footage from Sgt. Wheeler's contact with Dave Humphries and other patrons of the bar. In the video Dave Humphries and other patrons identify Lt. Lackey by name as the individual causing the problems. In addition, Mr. Humphries is heard referencing threats that Lackey has made to him in the past. The footage was saved to the internal case file (Item 4.1)

3-1-21

- Upon my request, Margaret Haugan sent the phone call from Dave Humphries to Central Dispatch (Item 2.8) as well as the radio traffic from Sgt. Wheeler indicating they were en route to Bootlegrz (Item 2.9).
- I received an email from Lindsay Kleven regarding the incident at Bootlegrz. Ms. Kleven indicated that she was at the table with Kelli Siedeman when the incident with Lackey occurred. She reiterated that Lackey was intoxicated and approached the table using vulgarity. In addition, she indicated that Lackey wrapped her hands around Siedeman's neck as well as doing the same to another person at the table. Kleven referenced the male individual who was also struck in the groin by Lackey as they were attempting to get her to leave the bar. Ms. Kleven indicated that Lackey's behavior was not only an embarrassment for her, but also an embarrassment for the department and the community. I added the entirety of Ms. Kleven's email to the documents section of the case file (Item 3.3). In addition to the email, Ms. Kleven also attached two cell phone videos that she took while the incident was happening inside of the bar. In each video you can see Lackey while Dave Humphries is attempting to get her to leave the bar (Item 4.2, Item 4.3).
- I contacted Dave Humphries via cell phone. I asked him about video from the inside of the bar and he agreed to allow me access on 3-2-21. I will respond to the bar and attempt to obtain all relevant video from their system. In addition, he forwarded a cell phone video that was sent to him from another patron in the bar. That video was added to the case file (Item 4.4).

3-2-21

- I received an email from Kristen Mauldin regarding the incident at Bootlegrz (Item 3.4). Ms. Mauldin was seated at the table with Ms. Siedeman and others. She observed the entire incident and described it in detail. Ms. Mauldin has apparently known Lackey for some time. At some point during the incident Lackey allegedly grabbed Mauldin by the face and said "Are you scared of me you little bitch?". Ms. Mauldin left the table to

avoid a physical confrontation with Lackey. The email, in its entirety, was copies and added to the case file.

3-8-21

- I received a message from Stacy Humphries regarding video from inside of the bar. She advised me that SRT was able to help them pull video of the incident involving Lackey. I responded to the bar and picked up a flash drive that contained video files.
- Once back at the police department I viewed the video files contained on the drive. In the clip I labeled Table view 1 (Item 4.5) Lackey can be observed staggering near the bar. At some point she walks to the opposite side of the bar and at 28:19 you can observe Lackey approach Kelli Siedeman, who is sitting near the end of the table her party was at. Lackey punches her once in the shoulder and then three times relatively hard in the back. Lackey can be seen putting her hands around Siedeman's neck and speaking directly into her ear just as Siedeman said when I spoke with her. Lackey continues to speak with Siedeman and at one point appears to gesture toward the other individuals at the table. At some point Lackey goes to the other end of the table where Jessie Siedeman was standing. She appears to confront Jessie Siedeman for some time. She spends several minutes at the table between Kelli Siedeman and Jessie Siedeman. At some point Lackey leaves the table but returns several more times. Each time either speaking with Kelli Siedeman or others at the table. She continues this cycle until 54:36 when she is approached by Dave Humphries (bar owner) and escorted to the door. In reviewing the video from near the exit of the bar that I labeled Exit View 1 (Item 4.7). Lackey can be seen being escorted by Dave Humphries and other male individuals to the exit. She speaks with them for some time and they appear to be blocking her entrance back to the table area of the bar. At some point they are able to get Lackey out of the door to the bar. There is no video that shows the outside of the bar or Lackey damaging Mr. Hineman's phone. There are two other video clips from the bar labeled Table View 2 (Item 4.6) and Exit View 2 (Item 4.8). These items were also attached to the case file for information. Table View 2 shows the table from approx. 10 minutes prior to Table View 1. Exit View 2 appears to be corrupted and does not play properly

POLICY

- **322.5.8(i)- Performance: Any act on, or off-duty that brings discredit to this department**
    - Lt. Lackey discredited the department by acting in a volatile way and causing a disturbance in a bar while extremely intoxicated. She was known by numerous people in the bar who identified her as a Lieutenant for the Minot Police Department. In addition, the owner of the bar has alleged that Lt. Lackey used veiled threats to use her position at the police department to cause problems for his business if he called the police due to her behavior. He said that has happened multiple times over the last two years. Lt. Lackey denied this allegation. There is no way to prove this portion of the allegation.

Exhibit F-10

- **322.5.9(m)- Conduct: Any other on, or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.**
    - Numerous members of the public identified Lackey as a Lieutenant with the Minot Police Department while she was extremely intoxicated in public and acting in a disorderly manner. She used vulgarity directly at individuals in the bar and caused the owner much anxiety by refusing to leave. Staff took approx. 20 minutes to finally get Lackey out of the bar. Once outside, another patron attempted to help as he knew her. He contacted a mutual friend and attempted to hand his phone to Lackey. Lackey grabbed the phone and threw it causing damage to the phone.

Captain Jason Sundbakken
Administrative Commander

Exhibit G-1

1. HARASSMENT POLICY

Statement of Philosophy: It is the policy of the City to provide a positive work environment that is free of discrimination, sexual and all other forms or harassment. This policy is a measure to ensure that all employees will enjoy a safe work place free from unreasonable interference, intimidation, hostility, or offensive behavior on the part of the council, department heads, supervisors, co-workers or visitors. All employees are responsible for compliance with this guideline, as the City of Minot will not tolerate unlawful discrimination or harassment.

A. It is the City policy that sexual and other unlawful harassment of its employees in any form is prohibited and that all employees shall be treated with respect. Actions, words, jokes or comments based on an individual's sex, race, ethnicity, age, disability, religion, sexual orientation or any other legally protected characteristic shall not be tolerated.
B. Employees have the right, under Section 703 of Title VII of the Federal Civil Rights Act of 1964, to work in an environment that is free of conduct that can be considered sexually harassing or abusive. Any employee who engages in, who perpetuates or condones sexual or other unlawful harassment shall be subject to disciplinary action, up to and including termination.
C. The City, in recognizing its obligation to maintain a place of employment that is free of harassing, abusive, or disruptive conduct shall take positive and prompt corrective action where necessary in accordance with this policy.

Definitions:

Unlawful harassment is defined as verbal or physical behavior which relates to an individual's race, color, national origin, religion, gender, age, sexual orientation and/or disability when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Workplace harassment is defined as any unwelcome conduct, whether, verbal, physical, visual, or innuendos that are derogatory, abusive, disparaging, bullying, threatening or disrespectful types of behavior, even if unrelated to a legally protected status; when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment is defined as any verbal or physical conduct of a sexual nature such as, but not limited to, sex-oriented remarks or jokes, pressures or demands for sexual favors, implied or overt promises or threats, or any unwelcome conduct with sexual or demeaning overtones when:

- Submission to or rejection of such conduct is made, explicitly or implicitly, as a term or condition of employment or advancement;
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creates an intimidating, hostile, or sexually offensive working environment.

Exhibit G-2

Unacceptable Conduct Defined: Sexual harassment is a serious offense and is a form of employee misconduct. Sexual harassment does not refer to the occasional non-sexual compliment, but to behavior of a sexual nature that is not welcome, is personally offensive and impairs an employee's work effectiveness or is behavior that creates an intimidating, hostile or offensive work environment.

The following are types of conduct an example of harassment, which are prohibited. These examples do not necessarily represent all ways in which sexual harassment may occur and are not intended to limit the definition of sexual harassment.

A. Verbal comments and gestures of a sexual nature including any suggestive remarks, pictures, jokes and catcalls.
B. Explicit or implicit promises of career advancement or preferential treatment in return for sexual favors. Such promises or preferential treatment may include but are not limited to: hiring, promotion, training opportunities, work schedule, leave approval, performance evaluations and pay increases.
C. Explicit or implicit threats that an employee shall be adversely affected if sexual demands are rejected. Such threats include but are not limited to: lower performance evaluations, denial of promotions, punitive transfers, terminations and altered/increased work assignments.
D. Unsolicited and repeated touching of any kind including: touching, patting or pinching of another person, or repetitive brushing against a person's body.
E. Derogatory remarks about a person's national origin, race, language, accent; disparaging or disrespectful comments.
F. Loud, angry outbursts or loud, angry outbursts of obscenities.

Responsibilities of Employees, Elected Officials, Department Heads and Supervisors:

A. All employees have a responsibility to conduct themselves in a manner, which ensures the proper performance of their job responsibilities and maintains the public's confidence. Employees who experience or witness any type of sexual, workplace or unlawful harassment should follow the steps outlined in the Complaint process to assist in maintaining a workplace environment free of sexual, workplace or unlawful harassment.
B. Department Heads and other department Supervisors have a responsibility to act immediately and take corrective action when they observe behavior that violates this policy. All management representatives must recognize the seriousness and sensitive nature of any sexual, workplace or unlawful harassment complaint brought to their attention and need to follow the procedures outlined in this policy to assist in maintaining a workplace environment free of unlawful discrimination or harassment.

Exhibit G-3

Complaint Procedures

City Employees or job applicants who perceive they have been subjected to sexual harassment have the right to pursue a grievance including an appeal to the Civil Service Commission pursuant to procedures stated in Sections 24-101 through 24-104 of the City of Minot Code of Ordinances. If unreported the City is severely limited in maintaining a workplace free of sexual or other unlawful workplace harassment. Employees are not required to deal directly with an offending individual(s) in seeking a resolution.

A. An employee who feels that he/she has been subject to sexual, unlawful or workplace harassment should clearly state to the individual that his/her behavior is offensive to them.
B. If you are unable to confront your alleged offender or the behavior persists after confronting the alleged offender, go to your immediate Supervisor who shall immediately notify the Department Head and Human Resources.
C. If the immediate Supervisor is involved in the alleged harassment, the incident should be reported director to the Department Head, who shall immediately notify Human Resources.
D. If the complaint involves the Department Head, the incident should be reported directly to the Human Resource Director and/or the City Manager.
E. If the complaint involves a member of Human Resources, the incident should be reported to the Department Head and/or the City Manager.
F. If the complaint involves the City Manager or a member of the City Council, the incident should be reported directly to the Human Resource Director.
G. The Human Resource Director shall be responsible for conducting an investigation in a fair, prompt and complete manner as outlined in the nature and scope of investigation.

Nature and Scope of Investigation:

- Any investigation of a complaint of sexual, workplace or unlawful harassment shall be limited to an inquiry of the truth or falsity of a specific complaint.
- Interviews of all relevant witnesses will be conducted in confidence to the extent permitted by law, and summaries of witnesses' statements and the investigator findings shall be in writing.
- To the extent permitted by law, investigations shall be conducted in a confidential manner; the knowledge of a pending investigation, nor the contents and/or findings of an investigation will not be shared except with the appropriate parties, or otherwise required by law.
- Persons who are asked to cooperate and participate in a pending investigation shall only be informed that a harassment complaint has been brought and that information being sought from the individual is a necessary part of the investigation. Written contents and findings of investigations are done pursuant to the complaint process and shall be maintained by the Human Resource Department in a secure place. However, it must be noted to all employees, that records of the City are public, except certain confidential records in accordance with NDCC 44-04-18.1.

Exhibit G-4

Discipline

- An employee who is found to have engaged in sexual, workplace or unlawful harassment or retaliation, or who is found to have knowingly condoned, encouraged, or perpetuated an act or acts of sexual, workplace, or unlawful harassment or retaliation, shall be subject to disciplinary action: including but not limited to, suspension, loss of salary increment, demotion and termination.
- Any employee who believes they have been unfairly disciplined may follow the City of Minot Grievance Procedure as outlined in the City of Minot Employee Personnel Policy Handbook in Chapter 7.

Dissemination of Policy

Prevention and education are the best tools for the elimination of workplace and sexual harassment. The City will take all steps necessary to prevent harassment in any form from occurring such as:

- Conducting training for Department Heads, Supervisors and Employees to affirmatively raise the subject by reviewing policies, discussing behaviors to be mindful of, and a general awareness of intimidating, hostile, or offensive workplace environments and sexual harassment.
- Informing all City employees of the policy.
- Investigating all claims of harassment, hostile work environment, and/or any unwelcome conduct in a confidential manner.
- Taking appropriate disciplinary action for the prevention of reoccurrence of sexual harassment.

JENNA BJORK

Exhibit H 21

Important Disclaimer. The City of Minot revised its Employee Personnel Manual on January 16, 2018. Copies of the revised manual have been provided to your departments and posted on-line for your review. It is required that all current employees sign the attached form to indicate they have been notified of this change.

City of Minot

EMPLOYEE HANDBOOK ACKNOWLEDGMENT FORM

This employee handbook describes in general terms the City of Minot employment policies, procedures and benefits. In all instances the official benefit plan documents, City of Minot Code of Ordinances and Civil Service regulations serve as the governing documents. Your employee handbook is not to be interpreted as a legal document or an employment contract. Employment with the City of Minot is at the sole discretion of the City of Minot and may be terminated pursuant to Section 24-47 of the City of Minot Code of Ordinances. Nothing in this handbook constitutes an express or implied contract or assurance of continued employment.

The undersigned has received and/or reviewed a copy of the handbook revised on January 16, 2018 and understands the contents of the handbook, including the above paragraph.

Jenna Bjork 445/7956
Employee Signature

Date: 02/21/18

Exhibit I-

Employers Council
City of Minot

Interview of: Conducted by:
Steve Schoenrock
Michele Sturgell

*Purpose
*Confidentiality
*Retaliation
*Truthfulness/Completeness

December 23, 2020

I am Steve Schoenrock. I am a Patrol Sergeant with City of Minot Police Department. I have been here for 15 years and 4 months. I supervise approximately 12 -15 employees I usually share that duty with another Sergeant or Lieutenant. I report to Lieutenant Darren Dyke.

One of my strengths at work is that I am approachable and people bring me their problems to me. Between all 3 shifts and all other divisions it is almost daily. I understand nothing is perfect but over the years it has become overwhelming. Most of the people in investigations worked for me at some point in patrol. There is an overwhelming sense of dread for people in investigations. I had addressed some issues in the past with a Captain and I was assured that things would change. Sometimes people tell me one thing and then when they report their concerns to administration they fear reprisal or they feel like they are not heard and are afraid to tell the whole truth. There are 3 women in investigations who worked for me and I never had any issues with them when they were with me in patrol. They have come to me with numerous pproblems. We should never be treating anyone differently. All the detectives brought their problems to administration and had a couple meetings about it. I was told by these same detectives that nothing changed after that and it seems to have gotten worse in some cases. I felt like there was nowhere else to go so I eventually went to Kelly. These are good officers and I want to see them succeed.

A few of the women in investigations are getting piled on when it comes to case assignments. They are getting overwhelmed and they cannot give the cases the full attention partly because they won't say no to the assignments. This is happening to Miki Talbot. She is a people pleaser and a fantastic teammate. She has been handed several of the bigger cases. She is a good detective and hard worker. She is also given extra on call weeks because she doesn't say no. Kristin is another one that won't say no and cares about her job greatly. She has had to deal with a difficult case and a difficult member of the community. She needed support but she wasn't getting it from her superiors or from the State's Attorney's office.

Exhibit I-2

I went to a captain to try and help Kristin because she needed support. The males are getting different case assignments. Some of the men have a bunch of burglaries and shoplifting and the women had the more serious cases. The women are also being talked to about dress code. The females were talked to about dress codes but the males were not even though we have a shaving policy and they were not adhering to. We lost a female officer to the FBI and she had a similar experience. Lt. Wegner is one of the problems as well but he is being moved in 2021. I am not sure if that is going to solve the problems.

The supervisors need to be there for the team and for the group. Especially since we have had so many more homicides this year than most years. Sgt. Wilk would prefer not to get his hands dirty and does not help when he should be helping the team.

Some of the women were being reprimanded for coming in early to try and catch up on their cases and then they were reprimanded for coming in early. They should be praised for their work ethic not punished. We cannot afford to lose these officers. They are good quality officers.

When I went to Kelly I wanted to bring forward the concerns of these female employees as well as some of the men who are frustrated with the lack of the supervision in investigations. There is no reason that these women should not be treated with respect and treated fairly. But I fear when questioned about things the officers hold back from administration. This is because of fear and not being heard in the past. When officers bring things to me they always seem to say that it doesnt matter, nothing is ever going to change.

I have been on night shift for 5 years as a Sergeant. I worked 5 years on nights as an officer then worked narcotics for 5 years before being promoted to Sergeant. I have worked hard to gain the trust and respect of the other officers. The higher the rank the higher standard should be in the department. It has been the opposite within the department. The newer officers are held to be accountable but the higher the rank, it doesn't seem to be that they are held to the same or higher standard. Things are swept under the rug when it comes to issues with rank. The examples are to numerous to mention.

The last few years of one of my night shift lieutenant's career I took over a lot of his tasks because he was going through some major physical problems and was sort of checked out. He had some medical issues and personal issues and I covered his duties for him as much as possible. It was probably 2 ½ years of me covering. When Scott finally left I was made temporary lieutenant. Chief told me he was going to have me do the job while Scott was vacationing out. After Scott's end date was known then they started the process of replacing Scott. I tested and did well and made top 3. I have a lot of experience and have been working this shift for years. It was between me, Sgt. Dyke, and Sgt. Chapman. They ended up choosing Sgt. Dyke. It was brought to my attention that he had an inappropriate sexual relationship with Brittany Balentine from HR. Several officers had told me of this and one Lt., whomlater recanted when I asked him to please bring

Exhibit I-3

it up to admin. Brittany is the one who runs the testing for Lt. and proctors the exam and has the information. Sgt. Dyke does not know the patrol end of the job since he had been away from patrol for so many years.Myself and the other shift sergeants had to train the new Lt on the job. Other officers come to me about search and seizure saying Sgt. Dyke doesn't know it. I am not sure how because the Lt. exam was full of questions on search and seizure. Sgt. Dyke was also reprimanded for having a relationship with a former SWAT team member's wife, lied to the Chief of police about it and was demoted as sergeant years ago. Based on his lack of knowledge and lack of ability in this job it seems like there was something going on with Sgt. Dyke's test for Lieutenant. I heard they talked to him about his innappropriate relationship with the HR employee but both denied the allegation and that was the end of it.Based on previous history with Dyke I dont believe thats enough. There should be due diligence in looking into it and actually investigate. I had to get some specific trainings before I could even test for Lieutenant (supervisor training). Darren only got the training after he was promoted. It is not just me but there are questions about Darren's promotion from many other officers. It is hard to watch the promotional process sometimes. It doesn't always seem like they best person is promoted. This is damaging to morale for all of the department as well. They see that there isn't a reward for hard work and an ability to move up.

Are any employees treated differently than other employees? If so, why?
Yes. The females in investigations appear to be treated differently than the males. Additionally, Lt. Lackey treats the female officers differently than the male officers. She seems to have conflict with some of the ambitious women. I am not sure if she is threatened by them but I have heard from some of the female officers that she is very difficult to work with.

Do you feel managers respect employees? If not, why not?
Some of the managers do and some do not. The majority of supervisors are pretty respectful. There are a few old fashioned people who are not respectful of all backgrounds. Lt. Lackey plays favorites and Lt. Wegner is not always respectful as well.

If you had to report an issue about your director or manager to upper level management, would you feel comfortable doing so?
I would feel comfortable doing it but I don't think my voice would be heard. I don't think anything would be done about it. That is part of why I went to Kelly. I have seen instances where things have not been addressed in the past.

Do you feel your manager is approachable?
I would not take anything to Darren. I don't think he has anything to offer as far as patrol. I respect the chain of command but I don't think he knows as much as he should in his position.

Is there anything else related to the management of your work area that you would like to talk about?
On night shift we are often the forgotten group. The night shift is a very

Exhibit I-4

tight knit group. What I don't like is that over the years we used to have trainings during the cross over time with the afternoon shift. Also there is no consideration for court appearances because those are during the day and yet we are expected to go back to work the same night. Also there is no shift differential for working nights. Also there isn't going to be a Lieutenant in the overnight shift. It would be nice to see management care more about us (night shift) and take better care of us.

Are there any divisions within the department? If so, what do they seem based on?
There are a few people that pick favorites. Lt. Lackey picks favorites and she treats people differently based upon that. She is moving to administrative lieutenant and hopefully that changes soon. There were some divisions based upon Lt. Lackey and her treatment of others. Everyone knows who the favorites are and that causes division. We are not super cliquey as a department.

What one thing would be most important to improving your work environment?
Trust. Trusting the administration would improve the work environment. I don't currently trust them and that makes it difficult. Some I spoke about and others are character or ethics based. It would be nice to see trust and honor back in the department. We are copying policies from large organizations (like New York or Los Angeles) and they don't necessarily fit with us. We put policy before responsibility and it doesn't make any sense.

The timing of this is difficult now that there is change being made starting 2021. The problem I foresee is that nothing will change as a result of this investigation because the Department is already planning changes and they will think they "fixed" it.

I have heard that you can request a copy of your personnel file and remove anything that is over 5 years old (negative or positive). I am not sure if that is accurate but that is what I heard.

December 23, 2020

Steve Schoenrock

Steve Schoenrock

Exhibit J

Personnel ordinance

to each position, based upon the contents of the job description pertaining thereto, including specifically the minimum qualifications stated therein. The tests may be written, oral, physical or in the form of a demonstration of skill or any combination of these. The tests and criteria shall be designed to evaluate elements of training, experience, aptitude, knowledge, character, personality, skill, physical fitness or other qualifications. In any event, the tests and criteria to be administered must be reasonably designed to relate positively to actual job performance with respect to the position for which the tests are given and the criteria applied, in order that the tests shall not serve as a means whereby job applicants are unlawfully discriminated against on the grounds of race, color, religion, sex, age or national origin.

(d) The commission shall rank applicants one against the other based upon the results of the tests referred to in subsection (c) and the list of the names of the applicants set forth in the order of their respective rankings, with the highest ranked first, shall constitute the eligibility list for the position for which the tests were administered. The appointing authority may consider for appointment three (3) names on the list for the first vacancy to be filled, plus two (2) names for each vacancy thereafter, but the names subject to consideration for appointment must be selected in consecutive numerical order commencing with the first.

(e) The commission may provide with respect to certain classes of positions that no tests of the type provided for in subsection (c) be administered, as when, for example, the position requires as a prerequisite that the applicant possess a professional degree or professional credentials. Likewise the commission may provide that certain positions be filled by the appointing authority on the basis of personal interviews only, because the nature of the position does not easily permit the applicant to be evaluated in an objective manner, but rather selection must take into account intangible aspects of character and personality.

(f) If in the judgement of the commission it will promote the efficiency of the service to maintain permanent eligibility lists with respect to some positions it may do so, without prejudice, however, to the right of the appointing authority at any time to require that a new eligibility list be established with respect to a position wherein there is a vacancy which the appointing authority wishes to fill. The permanent eligibility list may either be frozen or floating. That is, a frozen list is one to which no new names are added until some predetermined event occurs such as the number of the names on the list dropping to a certain prescribed level or after the passage of a prescribed period of time. A floating list is one in which names are added and ranked from time to time as persons submit applications for employment and take examinations, which procedure the commission may authorize even though no vacancies may exist in the positions for which employment is sought. If the commission does establish a permanent eligibility list it may strike names therefrom at any time upon its determination that good cause exists to do so. The nature of such good cause shall be established by the commission by appropriate rules and regulations but at a minimum these rules and regulations will provide that the name of a person on a permanent eligibility list shall be struck if that person:

(1) Obtains city employment,

(2) Refuses an offer of city employment,

(3) Can no longer be contacted after a reasonably diligent effort to do so,

(4) Can no longer meet minimum qualifications for the position to which the list refers,

(5) Requests elimination from the list, or

(g) The director shall have the authority to prescribe the contents of job application forms. As part of the initial job application process he may make a determination whether the applicant meets certain minimum employment standards which by way of rules and regulations established by the commission shall be imposed upon all job applicants irrespective of the position applied for. The minimum employment standards may include, by way of example, a requirement that the applicant be literate in the English language or that the applicant shall never have been convicted of a felony. However, such standards must be reasonably job related so that they do not serve as a means of unlawful discrimination against job applicants on the grounds of race, color, religion, sex, age or national origin. An applicant who cannot meet all the minimum employment standards shall not be considered further

Exhibit K

Police Lieutenant
February 2019

		10 points		15 points		32.5 pts		32.5 points	90 pts	
		15 years = 10pts		(1500 x .01)		(100 x .325)		(300 x .1083)		
Name	**Service Time**	**Service Time Pts**	**Training Hours**	**Training Hour Pts**	**Test RS**	**Test CS**	**Interview RS**	**Interview CS**	**Total**	**Placement**
Lackey, Shannon	18	10	2064.5	15	68	22.100	259.00	28.0497	75.1497	1
Dyke, Darren	21	10	2607	15	59	19.175	258.00	27.9414	72.1164	2
McLeod, Matt	16	10	1912.5	15	59	19.175	249.00	26.9667	71.1417	3
Wheeler, Daniel	14	9	1556.00	15	66	21.450	224.00	24.2592	69.7092	4
Chapman, David	19	10	2251.00	15	58	18.850	236.00	25.5588	69.4088	5
Ruelle, Tyler	9	4	1504	15	67	21.775	261.00	28.2663	69.0413	6
Schoenrock, Steve	13	8	1779	15	55	17.875	236.00	25.5588	66.4338	7
Wilk, Kevin	13	8	1947.00	15	60	19.500	203.00	21.9849	64.4849	8
Mattice, Krista	11	6	1765	15	55	17.875	233.00	25.2339	64.1089	9

McLeod promoted - 3/24/19 by Olson

Lackey promotes - 2/16/20 By King

Pts=Points
RS=Raw Score
CS=Converted Score

Police Lieutenant
June 2020

Exhibit L

		10 points		15 points		32.5 pts		32.5 points	90 pts	
		15 years = 10pts		(1700 x .00882353)		(100 x .325)		(300 x .1083)		
Name	Service Time	Service Time Pts	Training Hours	Training Hour Pts	Test RS	Test CS	Interview RS	Interview CS	Total	Placement
Dyke, Darren	22y	10	2715	15	83	26.975	247.00	26.7501	78.7251	1
Schoenrock, Steve	14y	9	1820	15	77	25.025	232.00	25.1256	74.1506	2
Chapman, Dave	23y	10	2286.00	15	79	25.675	206.00	22.3098	72.9848	3
Ruelle, Tyler	10y	5	1563	14	79	25.675	246.00	26.6418	71.10797739	4
Wilk, Kevin	14y	9	2057	15	74	24.050	200.00	21.6600	69.71	5
Johnson, Greg	16y	10	1722	15	71	23.075	187.00	20.2521	68.3271	6
Wheeler, Dan	15y	10	1762.00	15	73	23.725	174.00	18.8442	67.5692	7

Dyke promoted - 8/2/20 By King

Chapman promoted - 6/20/21 By King

Officer #11 (Current MPD officer SO) officer Anthony Hugg

- Current patrol officer for the last 6.5 years, current SWAT officer
- Officer 11 started off our meeting by talking about his performance reviews over the last few years. He noted that he received an excellent review in 2019. Then in 2020 no reviews were done because of COVID. In 2021, after speaking out at Cpt. Sundheim's free speak meeting, he was given a poor performance review. He was unsure why as he'd not been in any trouble. He was told by one Lt. and one Sgt. That he wouldn't promote because he needs to work better with the brass. He asked Sgt. Q and Lt Redding if they'd written the review, they both indicated that it wasn't either of them that wrote the review (who it should have been) – Cpt. Sundheim was the only other person who could/would have done the review. 2022's review was slightly better and they have not received their 2023 reviews yet.
- Officer 11 stated that 'brass doesn't want to hear any ideas that could help, changes that would help with policy efficiencies. "If it doesn't come from the brass, it's a dumb idea". Specifically changes to the patrol areas has been brought up and they were asked to give input – nobody listened when they did give input...disappeared down the ivory hall.
- Officer 11 spoke about how he doesn't feel he will be promoted and I asked him to elaborate on that. He said that he was supposed to be given credit for his associates degree from Alex Tech. He spoke to Sundheim about it – but he didn't seem to care. He said the disparity between associate degree credits vs full college credits makes it hard for recruits from say Alex Tech or Lake Region to get promoted. He also stated that is one of the reasons you see you recruits in the 5-7 year phase of their career leave. This new promotion system was implemented under Chief Klug.
- Officer 11 also spoke about the Uniform Committee that the brass put together to review beards, female officer hair, etc. They worked for 4 months on it, came up with what they believed was a great policy and presented it back to the brass. It has sat on Chief's desk since then with no input whatsoever. He said again – even if they ask us to come up with ideas, if it doesn't come from the brass, it doesn't happen.
- In May of '24 they were told the schedule would be changing from 3 shift to 4 shift rotations. Most officers plan their years in January as they know what days they have off, vacation requests, etc. There were some complaints and everyone was told to "just deal with it". Officer 11 was scheduled to get married at the end of May – this had been planned for over a year. With the new schedule he was scheduled to work the day of his wedding. Cpt. Sundheim knew weeks before about officer 11s wedding but didn't do anything to make sure he was off per his vacation request. He mentioned the brass didn't care about how the shift changes affect any of their officers' lives. Whey they announced the shift change mandate, not once was it mentioned to anyone that their days off/hrs/days worked etc would change. – very poor communication. Ultimately officer 11 got his time off for his wedding, but it was "more of a hassle than it should have been".
- Officer 11 spoke at length about a couple of our PD Lts. Specifically, Lt. Houge (internal affairs) and Lt. McLeod (patrol shift commander). He said that Lt. Houge is very similar to Cpt. Sundheim and his leadership is very poor. Yells and screams at people – very little communication with officers unless 'he needs something'. When he spoke about Lt. McLeod, officer 11 did say "McLeod and Chapman are both good Lts.", but questioned how many times an officer can be accused of sexual misconduct with a minor/child and still be

with the force. Lt. McLeod was accused of sexual assault of a minor in 202 by the Valley City PD. He was again accused this year (2024) by agencies in MT and ID. He was placed on admin leave in January as the investigation played out. He was on leave for 6 months and a letter of discipline was placed in his file. The department was told don't ask or talk about this and it was never spoken about again within the PD. I suggest we pull the out of state investigation reports from ID and MT, as well as the Valley City incident from 2020. He spoke about how the inconsistent discipline in the department has become a 'joke'. He said brass never seem to get in trouble as the lower officers do.

- Officer 11 did say Cpt. Sundheim helped him last year when he had a brief struggle with alcohol. So he did speak well of Cpt in this instance, but still doesn't think highly of him as a leader. To me this speaks volumes, if someone helps you and you still don't respect them as a leader, why is that?
- Officer 11 mentioned he got in trouble one time for putting some kids in for the life saving award, when they drove their friend who had overdosed, to the hospital. He was reprimanded for this because the kids were underage and high and shouldn't have driven their friend to the hospital, thus they didn't deserve to be put in for the award.
- Officer 11 also spoke about the SWAT team as he is a member of it. He said the SWAT Commander (Sundheim) never shows up for training and that Cpt Sundheim has pretty much put the SWAT team on stand down (3 calls in 3 years) because the "perception in the community is poor." "They don't even use us to serve drug warrants." Why do we train and equip our SWAT team if they don't ever plan to use them?
- I asked officer 11 what he thought needed to be done to help fix the issues within the PD. He said, "get brass involved", they just aren't around". Open up the lines of communication and tell us what is going on and come to the officer briefings. He said he hasn't seen a command staff officer at a briefing in about 3-4 years. He also said maybe be more open to ideas that can help the department – whether that be in a moral or efficiency way.

HR Director, Lisa Jundt, Response to Officer #11– Anthony Hugg Comments

Responses address numbered bullet points from information provided by Officer #11

1.) I previously discussed the new promotional process in my comments from Sergeant Foley's information (Officer #8). I don't believe Officer Hugg is understanding of the assessment center promotional procedure in that the process places more scoring weight on competency components than it does on service/education. Officer Hugg was just promoted to a Master Officer level in May of 2023 to make him eligible for the Sergeant's promotional assessment process. He has yet to experience the process first hand.

1)

Officer #12 (former Minot PD officer) Aaron Bowles

- Minot native, 13 years of LE exp. Worked for MPD from 2017 to 2021. No poor performance reviews or discipline during his time at MPD.
- Left MPD to move back south to be closer to family. He said the culture wasn't the main reason he left, but it made it easier to make the decision to move.
- Officer 12 started by speaking about Chief – his very first comment was "Worst chief he has ever worked for (he worked under Olsen as well at MPD). The reasons for this comment he said was because as soon as the torch was passed to Klug – life at the MPD changed. He distanced all leadership from the officers below them, established the "Ivory Hallway", he was out of touch with what was going on within the department and he alienated lower officers through the other command staff officers. One issue that emerged among the command staff was a 'rules for you, but not for me' mentality. He said they would do the same things they yelled at junior officers not to do. (no examples given). Mentioned how they were told quite frequently "you are all replaceable".
- He said Chief never walked around and spoke with any of the officers – "he led from the keyboard". If he wanted to say something to someone below him, he just sent you an email.
- 1) Officer 12 then spoke about Officer Blanchard's death. He said they were told 'not to speak about his death" – that was a DIRECTIVE from above. He then mentioned that they were told the department would provide counseling for any officer that needed it and through EAP they set up sessions for officers. The counselor that was selected for officers to speak with was Maggie Klug – Chief's wife. He said not many people took advantage of that, as they were worried, she'd tell chief what was said and there would be retaliation. WTF! This is the second person to bring this up...how can the Chief of Police's spouse be the pick for officers to speak with?
- Officer 12 also mentioned that during the first McLeod sexual assault on a minor case, everyone in the department was not allowed to speak about it or ask any questions.
- Officer 12 stated that towards the end of 2020 and into 2021 – heavy turnover started within the department because 'officers just couldn't take it any longer'. He said we were/are losing people that made a conscious effort to be in Minot, whether it was for family, kids, etc – these are people that wanted to work here and it is sometimes hard to find people that do want to live/work in Minot.
- Officer 12 is still close with quite a few officers that work at MPD and officers that have left MPD. He suggested we pull ALL the exit interviews and read them.
- Officer 12 came back to give the Eulogy at officer Blanchard's funeral – he said that many past/present officers came and thanked him for doing such a nice job on the eulogy. He said that Chief never spoke with him nor any other past officer from the department.
- He made mention that Chief never showed up at the department the day/night officer Blanchard killed himself. He couldn't be bothered to come in – people were upset that their Chief wasn't there after an officer died. "He doesn't care about the officers underneath him".
- Officer 12 said that post Officer Blanchard's death, there was no incident stress debrief, as they'd had in the past when officer deaths occur. Again, mentioned Chief not showing up to speak with officers after the death – no support from Chief for subordinates nor their mental health. He mentioned that for officer Blanchard – all the signs were there that there was an

issue – officer Blanchard was taking steroids, drinking heavily (mentioned the SWAT call out spoken of before where Blanchard tried to drive drunk to the call), had marital issues and was depressed/embarrassed after being removed from SWAT. Nobody cared or was paying attention.

- Officer 12 stated he believed that officer 7 went to Cpt Sundheim and told him about the issues officer Blanchard had and said he needs help. Other officers also mentioned it to their supervisors – don't believe it went anywhere.
- Officer 12 mentioned that "the PD would operate without the command staff. He said the Sgts. And SO/MO officers run everything every day.
- Officer 12 spoke briefly about Officer 1 and said that what happened to her was sad and that she was a great officer and an honest cop.
- Officer 12 mentioned both Sgt. Z and Sgt. Q – how both were good officers but had been retaliated against and beat down for speaking up and going to bat for their officers. He said both officers have given their life and time to the department and they had both been treated poorly since the "speak freely" meeting in 2020. He said Sgt. Q is the best Sgt he's ever worked for/with in either the military or LE agencies he's been with.

HR Director, Lisa Jundt, Response to Officer #12– Aaron Bowles

Responses address numbered bullet points from information provided by Officer #12

1.) I just want to provide some generally comments surrounding the suicide death of Officer Blanchard and what took place after. Officer Blanchard's death happened over the Christmas/New Years Holiday which made it extremely difficult to find available Critical Incident support services. Chief Klug contacted me in the middle of the night following Officer Blanchard's death on December 29, 2022 and I immediately contacted the City's EAP provider The Village the next morning to request Critical Incident Assistance. The Village organization was already down staff due to vacancies and had several staff out for the holidays so they provided us whatever available services they could. Chief Klug also arranged for several group sessions which included counselors and emotional support animals to assist with staff grief support. I'm sure Chief Klug's wife Maggie, who is a professional counselor, was only wanting to assist in the situation considering she knew the department was struggling, and she knew many of the staff having been a previous police officer with the department. **See Exhibit AC-Correspondence and Information during Blanchard death and critical support for staff.**

Exhibit - AC-1

Lisa Jundt

From: Eric Houglum <ehouglum@thevillagefamily.org>
Sent: Friday, December 30, 2022 1:17 PM
To: Lisa Jundt
Subject: RE: Critical Incident Scheduling

Caution: This message has originated from an **External Source**.
Please use proper judgement and caution when opening attachments, clicking links, or responding to this email.

Lisa,

I'm reaching out to see if you were able to select some timeframes for the upcoming counseling request. Please let me know if you have any questions. Thank you!

Thank you,

Eric Houglum
Client Services Associate
Village Business Institute
1201 25th St S, Fargo, ND 58106
Phone: (701) 451-5030
Email: ehouglum@thevillagefamily.org

From: Lisa Jundt <lisa.jundt@minotnd.org>
Sent: Thursday, December 29, 2022 2:51 PM
To: Eric Houglum <ehouglum@thevillagefamily.org>
Subject: RE: Critical Incident Scheduling

Hi Eric,

I spoke with Police Chief John Klug and he asked that all of the times be reserved for us, although we are not sure how many employees will participate. Chief Klug has already made arrangements for another entity to do a crisis management briefing so that item will not be needed.

I will work with Chief Klug to arrange what is necessary for the virtual sessions. Our office is closed on Monday, but I will be working in the event there are other questions that need to be addressed by our employees.

Please let me know if there is anything else you will need from me.

Thank you for your assistance on this.

Lisa Jundt, MBA
City of Minot, Human Resource Director
Office Phone: 701-857-4753

AC-2

Members of Governing Body: In order to avoid inadvertent open meeting violations, please refrain from hitting "Reply All" with questions or comments relating to any public business. Any discussion (email, text message, telephone call, in-person, etc.) regarding public business between members establishing a quorum of any committee or of the full council constitutes a "meeting" under North Dakota open meeting law and requires prior notice of the date, time, location, and agenda topics to be discussed.

From: Eric Houglum <ehouglum@thevillagefamily.org>
Sent: Thursday, December 29, 2022 12:54 PM
To: Lisa Jundt <lisa.jundt@minotnd.org>
Subject: Critical Incident Scheduling

Caution: This message has originated from an **External Source**.
Please use proper judgement and caution when opening attachments, clicking links, or responding to this email.

Lisa,

Here is what it looks like would be available next week:

Tuesday: 9-11 AM, 1-3 PM, 4-5 PM.
Wednesday: 8-9 AM

The crisis management briefing would take about 30-40 minutes via zoom and would be available to everyone. The virtual counselor on-site would be 1-hour increments and employees would be able to join the zoom room for individual discussions with a counselor. We could plug it into any of these available times.

Please let me know if you need any additional information or have any questions.

Thank you,

Eric Houglum
Client Services Associate
Village Business Institute
1201 25th St S, Fargo, ND 58106
Phone: (701) 451-5030
Email: ehouglum@thevillagefamily.org

AC-3

Lisa Jundt

From:	Lisa Jundt
Sent:	Thursday, December 29, 2022 3:34 PM
To:	John Klug; Justin Sundheim; Jason Sundbakken; Dale Plessas
Cc:	Monica Porterfield; Harold Stewart
Subject:	Available Resources for Crisis Intervention
Attachments:	What to Know About 988 the New Mental Health Crisis Hotline - Infographic.pdf

John and Staff,

Here is a list of resources available to your staff to help them during this difficult period. Some of the resources are immediately available, and others have some logistics that need to be worked through.

Current Resources:

1.) **The Village EAP** program is readily available to employees and their families. Participants are able to contact this resource at 1-800-627-8220 to make arrangements.

2.) **BCBS City Insurance participants. Virtual Mental Health Therapy through Amwell. Services would be processed through the employee's medical insurance.**

- Amwell's team of experienced, licensed psychiatrists and therapists are available 7 days a week, from the privacy of home. They can help with:
  - Anxiety
  - Depression
  - Postpartum
  - Relationships
  - Trauma Loss
  - Screenings
  - Insomnia
- **24/7 Access to Care**

Virtual care is a convenient way to get care for many common conditions. Connect with a provider from your computer or mobile device to get a diagnosis, treatment plan and prescription.

- **With a virtual care visit, you:**

Save time – avoid a trip to the doctor's office and get care from the comfort of your home, work or wherever you are. Initiate the visit at your convenience – no appointment needed.

- **Mobile - download the Amwell app**
- **Web - visit https://patients.amwell.com/**
- **Phone - call 1-844-733-3627**
- **GETTING STARTED:** Visit patients.amwell.com, Product Key: BCBSND

3.) **Additional telephone and online chat resources available:**

- Suicide Prevention Call or Text 988 or Online Chat (Flyer attached)
- National Domestic Violence Hotline Call: (800) 799-7233 or Text: LOVEIS to 22522
- National Sexual Assault Hotline Call (800) 656-HOPE (4673) or Online Chat
- Veteran's Crisis Line Call (800) 273-TALK (8255), Text 8388255, or Online Chat
- Disaster Distress Helpline Call or text: (800) 985-5990
- Crisis Resource Flyer

AC-4

Available Next Week Tuesday and Wednesday:

Arrangements are being made through the Village to provide some virtual counselor sessions on the following days/times:

- Tuesday: 9-11 AM, 1-3 PM, 4-5 PM
- Wednesday – 8-9 AM

Sessions generally last 1 hour for each participant. Additional sessions can be added per counselor availability. We will need to discuss how these sessions will be reserved by the employee, and logistics on virtual attendance.

Please let me know if there is anything else the human resource department can assist you with. Both Monica and I will be working most of Monday to address additional questions/concerns.

Lisa Jundt, MBA
City of Minot, Human Resource Director
Office Phone: 701-857-4753

Members of Governing Body: In order to avoid inadvertent open meeting violations, please refrain from hitting "Reply All" with questions or comments relating to any public business. Any discussion (email, text message, telephone call, in-person, etc.) regarding public business between members establishing a quorum of any committee or of the full council constitutes a "meeting" under North Dakota open meeting law and requires prior notice of the date, time, location, and agenda topics to be discussed.

AC-5

Lisa Jundt

From:	Lisa Jundt
Sent:	Tuesday, January 3, 2023 8:39 AM
To:	John Klug; Justin Sundheim; Jason Sundbakken; Dale Plessas
Cc:	Monica Porterfield; Harold Stewart
Subject:	RE: Available Resources for Crisis Intervention

John and Staff,

Below is the information for the EAP Services available for today and tomorrow: The Village was only able to provide time slots for 9:00 -11:00 today and 8:00 to 9:00 tomorrow. The zoom links are included for these. There is no sign-up needed for individuals.

The Village Services: *CISM Counselor Session* ***Responder:*** *Gabby Hagen* ***Phone:*** *701-451-4900*

Zoom Information for Tuesday, January 3, 2023 9:00-11:00 AM

zoom 42 is inviting you to a scheduled Zoom meeting.

Topic: CISM Counselor Session 1 - City of Minot

Time: Jan 3, 2023 09:00 AM Central Time (US and Canada)

Join Zoom Meeting: https://thevillagefamily.zoom.us/j/81802069900

Meeting ID: 818 0206 9900

Zoom Information for Wednesday, January 4, 2023 8:00-9:00 AM

zoom 42 is inviting you to a scheduled Zoom meeting.

Topic: CISM Counselor Session 2 - City of Minot

Time: Jan 4, 2023 08:00 AM Central Time (US and Canada)

Join Zoom Meeting: https://thevillagefamily.zoom.us/j/87815919627

Meeting ID: 878 1591 9627

Lisa Jundt, MBA
City of Minot, Human Resource Director
Office Phone: 701-857-4753

AC-6

- National Sexual Assault Hotline Call (800) 656-HOPE (4673) or Online Chat
- Veteran's Crisis Line Call (800) 273-TALK (8255), Text 8388255, or Online Chat
- Disaster Distress Helpline Call or text: (800) 985-5990
- Crisis Resource Flyer

Available Next Week Tuesday and Wednesday:

Arrangements are being made through the Village to provide some virtual counselor sessions on the following days/times:

- Tuesday: 9-11 AM, 1-3 PM, 4-5 PM
- Wednesday – 8-9 AM

Sessions generally last 1 hour for each participant. Additional sessions can be added per counselor availability. We will need to discuss how these sessions will be reserved by the employee, and logistics on virtual attendance.

Please let me know if there is anything else the human resource department can assist you with. Both Monica and I will be working most of Monday to address additional questions/concerns.

Lisa Jundt, MBA
City of Minot, Human Resource Director
Office Phone: 701-857-4753

Members of Governing Body: In order to avoid inadvertent open meeting violations, please refrain from hitting "Reply All" with questions or comments relating to any public business. Any discussion (email, text message, telephone call, in-person, etc.) regarding public business between members establishing a quorum of any committee or of the full council constitutes a "meeting" under North Dakota open meeting law and requires prior notice of the date, time, location, and agenda topics to be discussed.

AL-7

CRISIS HOTLINES & RESOURCES

IF YOU ARE GOING THROUGH TOUGH TIMES, YOU ARE NOT ALONE.
It can be troubling if someone you care about is going through an emotional, mental, physical or behavioral crisis. It can be even more frightening if you find yourself struggling with a crisis, or worse, having thoughts of self-harm. Not taking these feelings seriously can have devastating outcomes; get help that is needed now, you don't need to do it alone.

THE WARNING SIGNS OF EMOTIONAL PAIN OR SUICIDAL THOUGHTS AREN'T ALWAYS OBVIOUS. HERE'S WHAT TO LOOK FOR:

- Talking about suicide and death
- Tidying up his or her affairs: drawing up a will, giving away possessions
- Drastic, sometimes aggressive, changes in behavior
- Withdrawing from social interaction
- Sudden neglect in appearance
- Self-mutilation or doing act of self-harm
- Sudden drug or alcohol abuse
- Expressing feelings of hopelessness and helplessness
- Sudden mood changes
- Anxiety or agitation

If this is an emergency or you think you may harm yourself, please call 911!

City of Minot
Making the Magic in Minot

IF YOU OR SOMEONE YOU KNOW IS FACING A CRISIS, USE THESE RESOURCES:

The National Suicide Prevention Lifeline
- 988 (The Lifeline is provides 24/7, free and confidential support for people in distress, prevention and crisis resources for you or your loved ones, and best practices for professionals.)
- Text "Connect" to 741741 to text with a trained crisis counselor for free, 24/7.

National Alliance on Mental Illness (NAMI)
- Call 1-800-950-6264

The National Substance Use Treatment Helpline
- Call 1-800-662-HELP (4357)

The National Domestic Violence Hotline
- Call 1-800-799-7233
- Text LOVEIS to 22522

The National Sexual Assault Hotline
- Call 1-800-656-4673

Veteran's Crisis Line
- Call 1-800-273-8255
- Text 838255

Disaster Distress Helpline
- Call or Text 1-800-985-5990

OK2Talk Helpline Teen Helpline
- Call 1-800-273-8255

Employee Assistance Program
- www.villageeap.com
- Password: **VillageEAP**

Access all your City of Minot benefits, carrier links, and more through the MyBenefitsApp anytime, anywhere.

Heather Summers

Officer #16 (former MPD officer)

- 5 yr MPD officer – Patrol, Investigations
- Officer 16 mentioned that her immediate supervisors were Lt. Houge, Sgt. Burns and Sgt. Wilke; with command officers being Cpt. Sundbakken. Officer 16 said Cpt. Sundbakken is a 'yes' man to Chief Klug and that he has no leadership whatsoever.
- Upon being moved to night shift her supervisors changed to Lt. Redding, Sgt. Schoenrock, Sgt. Ruell and Sgt. Chapman
- Officer 16's career started in 2015 as a patrol officer – she said she'd been paired up with some 'salty, burnt-out officers' but that she'd been trained well and enjoyed patrol. She then went to academy – during which time she was having some health issues – most of it being stress related (not all work stress). She finished academy even though she was having health issues. This was recognized by fellow officers and one commented "you have a lot of will power and determination to finish while sick".
- After academy training was over, officer 16 was assigned to the night shift to finish off her training. For some reason, officer 16 was transferred back to days (I believe they were short staffed). Officers Clouse and Gates were her training officers. Sgt. Lackey was her direct supervisor for a short time. Officer 16 stated how Sgt. Lackey was very 'hard' on the other female officers in the department, stating "that's how she was trained". After finishing her training on days, she started her official assignment on afternoon shift.
- Officer 16 didn't speak much about her time on the afternoon shift, other than to say that she had some issues with Sgt. Wilke – but mentioned not much happened, because if Chief liked a particular officer and you complained, it just disappeared. Sgt. Lackey was still being hard on female officers, so officer 16 spoke with Sgts Burns and Houge about it. Nothing happened. (Lackey and Klug very close friends).
- Officer 16 admitted that her moral started to falter. She spoke with Cpt. Whitesell and was moved from afternoons back to day shift patrol. Sgts. Plessus, Jess Sundheim and Lackey were her direct supervisors. Lackey continued to be very hard on officer 16 and the other female officers in the department. "If Lackey was in charge for the day, everyone knew it was going to be a tough day". Officer 16 was written up by Sgt. Lackey for swearing during an arrest. Sgt. Lackey didn't care if other officers swore during citizen engagements and failed to write up male officers for the same behavior.
- During this time, she worked a lot with Officer Clouse – officer 16 said she wouldn't have made it through if it wasn't for fellow officers Clouse and Lund. She spoke with some of the Sgts. about Lackey's treatment of the female officers. Sgt. Burns looked into it and spoke with all the female officers and the consensus was Lackey 'sucks as a supervisor' and she was harder on female officers than their male counterparts. Sgt. Burns pushed it up to command staff and nothing was every said about it again.
- 2018/2019 Officer 16 was moved to investigations. She had expressed interest in working financial crimes and arson crimes and was told she would be able to do that. After moving over to investigations, based on the notion she'd be able to work the types of crimes mentioned above. She was given almost every domestic violence case that came to the department instead. Officer 16 asked if when she wasn't working a case, could she get some training on the arson and financial crime areas. She was told no by Lt. Wagner. Lt. Wagner also started pressing officer 16 about small mistakes – typing errors, etc. Officer 16

mentioned that her direct reports Lt. Sundheim, Lt. Wagner and Sgt. Wilke overly critical management of her made investigations an 'awful place' to work. "They were critical to the point of causing me mental stress." She was given little to no training and no guidance in investigations, just left to figure it out on her own. Officer 16 mentioned it was apparent the 3 of them "didn't want her in investigations". Lt. Wagner again became quite critical of officer 16 and how she was doing her reports. Officer 16 asked Lt. Wagner what she was doing wrong and how should she correct it. Lt. Wagner couldn't give her specifics, just said "they just aren't right".

- On officer 16's 2018 department review she received all 3, 4 and 5s and was told 'you have some areas to work on'. Shortly into 2018 officer 16 went on maternity leave and when she returned things were much harder. She said the 'culture' in the dept. was awful – the investigators would go to lunch together each week, officer 16 was excluded from these lunches. Officer 16 also said they talked about her quite a bit behind her back and that it usually got back to her. These things made officer 16 was uncomfortable and she went to Lt. Wagner and said "if I'm not a good fit for this department, can I go back to patrol?" The response was, you're doing just fine.
- Officer 16 during her time in investigations like to go out to the crime see and look at it for herself. Officer 16 also liked to follow up with witnesses to make sure she was understanding the whole story. Officer 16 was told 'you are doing things incorrectly. Your job is not to go out there. That's not how you investigate." Officer 16 was confused by these comments. Lt. Wagner also continued to criticize officer 16 about the reports she was writing. Officer 16 mentioned how her immediate supervisor said her reports looked good and how they were similar to other officers' reports. Officer 16 asked Lt. Wagner to explain how he would like her to change the reports, to which he responded "I can't, just meet with Dave (immediate supervisor) more".
- Officer 16 next recounted an incident in June of 2019 where she was investigating a domestic violence situation. Officer 16 recounted how the DV 'victim' wanted to make sure her voice was heard, so officer 16 met with her. After meeting with the female involved in the DV incident, officer 16 issued a warrant for the male DV individual's arrest. After meeting with the female DV individual and then watching the video that the male DV individual had recorded, officer 16 realized she had made a mistake and that the female DV individual was the aggressor in the DV case. Officer 16 admitted she had been struggling some at this point as her baby had not been sleeping well and she was pretty tired. She went to Dave (supervisor) and told him "I messed up". Officer 16 shows Dave the video and he agrees with her assessment. He asked her how she was going to correct it and officer 16 told him she had already retracted the warrant with the SA. Supervisor Dave said 'Ok, finish taking care of it."
- Because of this incident, officer 16 met with Chief Olsen. He told officer 16, "good catch. How are you going to fix this." Officer 16 explained how he had retracted the warrant and taken care of the situation. Chief Olsen and officer 16 spoke about her 'struggles' after coming back from maternity leave. Chief Olsen asked officer 16 if she'd prefer to move back to patrol. She responded with "yes, that'd be great. I've been asking in investigations if I could go back." After this meeting with Chief Olsen, officer 16 met with Supervisor Dave again and recounted the meeting. She mentioned that Chief ok'd her going back to patrol,

but Lt. Wagner and Lt. Sundheim would not let officer 16 go back to patrol – no reason was given. Lts Wagner and Sundheim continued to make things very hard on officer 16. This frustrates Officer 16 very much, but she goes back to work.

- Approximately 45 days after the domestic violence incident, Lt. Wagner informed Officer 16 that an internal investigation had been initiated regarding the oversight. Throughout the investigation, Lt. Sundheim and Officer Guerton held several closed-door meetings, during which Officer 16 overheard her name mentioned multiple times. When she inquired with her supervisors about the situation, she was reassured that "everything is fine."
  Sometime later, Officer 16 was summoned to Lt. Sundheim's office, where she was read her Garrity rights. During the meeting, Officer 16 acknowledged her mistake, telling Lt. Sundheim, "I know I made an error, and I took responsibility for it. It's been corrected." Lt. Sundheim then asked her to review the video footage and explain what she observed. During this discussion, Officer 16 questioned why, if the department was dissatisfied with her performance in investigations, they hadn't allowed her to return to patrol as Chief Olsen had suggested. Lt. Sundheim responded, "We don't have the personnel for you to go back. She also asked Lt. Sundheim why the investigation was taking place as she'd already met with Chief Olsen and he was ok with how the situation turned out. No response was given. Other officers within the investigation unit commented to officer 16 after the meeting, "they are focused on you."
- Officer 16 said she left that meeting feeling like Lt. Sundheim was trying to get her fired. The internal investigation went through its process and nothing came of it. Officer 16 said that she received NO support from command staff in investigations.
- After the internal investigation, Officer 16 received her 2019 performance review, in which Lt. Wagner rated her highly in most areas, with scores she recalled being mostly 4s and 5s. However, during the review, she was told, "This is where we are at – we're concerned about your judgment." This comment deeply unsettled Officer 16, shaking her confidence, and it continues to affect her to this day.
  At that time, she was given an ultimatum: either return to patrol willingly or we will force you to go back. Officer 16 expressed frustration, noting that she had been requesting to return to patrol for months. She agreed to the reassignment but asked if she could be placed on a day shift, as she had a newborn at home. Throughout the review, she felt that Lt. Wagner was condescending toward her.
  Disturbed by the comment questioning her judgment, Officer 16 became emotionally upset and asked to take the rest of the day off, citing her mental state. She was granted the remainder of the day off. Officer 16 also mentioned that she felt Lt. Wagner was unsupportive of women in law enforcement, which added to her frustration. This is the second or third time this comment has been made while talking with female officers, both current and previous.
- Officer 16 went back to patrol day shift where she had Sgt. Lackey as her direct supervisor. After Chief Klug took over in 2020, Sgt. Lackey was promoted to Lt – over Sgts. Noyes and Baubeneck, both of whom she said were great. Where did Lackey rank on the promo board vs. Noyes and Baubeneck?

- In January of 2020 officer 16 received an email from Chief Olsen as he was retiring. In the email Chief Olsen spoke about how good of an officer she was and that'd she'd be great for the next Chief.
- The selection process for the next Chief began and officer 16 recalled someone from the city coming in and asking officers who would be their choice for the new Chief – Cpt. Klug or someone from outside the department. Officer 16 responded that she'd prefer someone from outside the department and she noted that most of the other officers responded the same way. Officers told the city official "Klug and Sundheim would wreck the department." Klug was promoted to Chief and she said moral in the department plummeted.
- Officer 16 again recognized she was struggling. She was unable to shake the 'concerned about your judgement' comment and she was still having trouble with her baby (sleeping etc). During one afternoon shift – altered duty (she'd been moved to afternoons because she'd failed her handgun qualifications) Lt. Lackey said something to her about something she'd done (officer 16 admitted – she'd earned the talking to) but Lt. Lackey was very harsh to her and this upset her very much. Sgt. Foley was a good friend of officer 16's within the department and he tried to 'talk her down' from her emotional state.
- Shortly after this incident, officer 16 was called into Chief Klug's office – where Cpt. Sundheim and Lt. Lackey were in attendance as well. Chief Klug's first words were "we don't want you to feel ganged up on." They remediated officer 16 to handgun training with Officer 14. Officer 16 stated that officer 14 was not a good trainer for her and she continued to struggle with her handgun qualifications.
- Afterward, Sgt. Foley spoke with Officer 16 regarding body cam footage that had surfaced during a review. Although Officer 16 didn't specify what the footage contained, she expressed how deeply it upset her, stating that she felt "targeted." In her distress, she turned in her badge and name plate but failed to surrender her firearm.
  At this point, Officer 16 shared that she had been struggling mentally for some time and was contemplating suicide. She went to the briefing room and called her husband, telling him she was going to end her life. Although external factors likely contributed to her mental state, the way Officer 16 was treated at the department must be critically examined. It seems this type of mental stress was being missed at the department.
  Her husband reminded her of a suicide victim she had once saved, and how grateful that person was to Officer 16 for intervening. Reflecting on that moment, she credits her husband with saving her life that day. She further shared how trapped she felt working at the department, especially with a newborn at home and the financial burden of bills. The idea of taking a pay cut to transfer to another department wasn't an option. She also reiterated the ongoing frustration caused by the lack of communication from Chief Klug and Captain Sundheim.
- Between April and May of 2020, during the height of the COVID pandemic, Officer 16 was informed that her stepfather had been diagnosed with terminal cancer. Chief Klug then told her she would not be permitted to visit her stepfather in his final days or attend his funeral. Time passed, and while on duty one afternoon, Officer 16 received a text from her mother, notifying her that her stepfather had passed away. She was on a call with a fellow officer at the time. After completing the call, she informed her colleague that she needed to call her mother and explained the reason. After speaking with her mother, she texted her husband

to let him know about her stepfather's death. Upon returning to the department, she informed her sergeants of the situation before heading back out on patrol to finish the remaining six hours of her shift.

Shortly thereafter, Officer 16 was called back to the station for a meeting with Chief Klug, Captain Sundheim, and Sgt. Noyes, who expressed concern for her well-being. Officer 16 found this odd, given that they had already denied her the ability to attend the funeral. She assured them she was fine and asked to return to her patrol duties to finish her shift

- A few weeks go by and officer 16 is called in to speak with Chief Klug again. This meeting is about her suicidal comments a few months back. Chief Klug asks officer 16 if she is ok and she responds with "No, I haven't been ok since 2019. I feel targeted by certain officers (Sundheim, Wagner and Lackey) within the department and I'm still having trouble with things going on outside of work." Chief Klug refers her for counseling with Feely and puts officer 16 on administrative leave. During her counseling sessions, officer 16 and Feely discuss her leaving the department. Officer 16 mentioned that she still to this day sees Feely for counseling.
- Officer 16 takes Counselor Feely's advice and starts looking for jobs outside MPD. There are openings at Ward County Corrections and she is hired on for July start. She puts in her notice on June 23, 2020 and hands Chief a resignation letter. Chief Klug won't accept the letter and she takes it over to City Hall to give to HR. (letter attached) Chief Klug made officer 16 write another resignation letter (which is also attached).
- Officer 16 finished up our meeting with 2 very important points. First, she spoke again about the harassment and mental stress put on officers from some of the command staff and supervisors. Second, that the body cam footage review process is being used against good officers who "aren't part of Chief's group of good ol' boys". She mentioned officers like Cory, Lund, etc). Officer 16 also mentioned that Klug/Sundheim started recording conversations.
- To her credit, officer 16 reached out to both Chief Klug and Cpt. Sundheim in December of 2023 to apologize and take more accountability for some of her behavior. She said that apology was met with "lip service" from the two of them.

June 23, 2020

Minot Police Department
ATTN: Chief Klug

To Whom It May Concern,

It is with unfortunate circumstances that I offer this letter as my resignation notification as well as my exit interview.

In 2015 when I was hired on to the Department, never did I dream I would be quitting in 5 short years. My goal was to be a K9 officer, now, that is a distant memory and dream that I find that I am not quite ready for.

As such, my end date with the City of Minot Police Department will be July 10, 2020, where I'll then be working in Corrections with the Ward County Jail.

Listed below will be some points I wish to address in lieu of my exit interview.

- I have come to appreciate this career. While visibly thankless and easy to lose sight of those in appreciation for what I do in my day to day, I have noticed that there is more support, more of a community family, even friendships present in the City of Minot than I ever dreamed of. I could not have been luckier to serve such a kind community's streets.
- I've learned that the blue line spreads across the country, even countries overseas. I have made many connections, networks, and friendships with my other brothers and sisters in blue that I have met from several areas.
- I've learned time and time again that I am tougher than I give myself credit for. I am also more emotional that I am willing to admit and I have seen that come in handy when talking to people, especially victims, who need a shoulder.
- I've learned that teamwork is essential. Simply, #TeamWorkMakesTheDreamWork.
    - But working with other Agencies, such as Highway Patrol, Border Patrol, and Ward County Sheriff's Deputies, is often frowned upon on. If Officers, such as myself, utilize the special deputy exception we are sworn under to assist another agency, we are called off and told it is not our problem. BUT as soon as our Officers are bogged down with calls, our supervisors request other agencies assistance AFTER telling them to get out of city limits.
- I've learned that policy is gold and very little else matters. If it isn't for the good of the policy, it isn't for the good of the order and that policy seems to only apply to certain people and only certain people

- Do not mistake, I understand policy is to protect us, the department, and the community; but does it really hurt to take photographs with other individuals in the community, each other, or family and post it to social media?

- I've learned that many times it is someone's way or the highway and that it is easier to just bend and do it that way, until another someone comes along and then it is only that way. But there are many ways to describe a Lion as well as paint one.
- I've learned that 'big brother' is everything Officers were promised it would not be. Because of that, we watch over our shoulder and anticipate the reprimand, constantly.
- I've learned that those who do no self-initiated work, take little to no calls, and overall 'ghost' during shift get very little consequences and seem to never make mistakes. BUT as soon as an officer who is always out there, making stops, taking the reports, being the community officer we need; they are wrong, make several mistakes, and are often on a formal plan for whatever mistake was made.
- I've learned that as soon as a mistake is made, often it is not addressed immediately, but addressed weeks, and months later.
- I've learned that mental health, while talked about, is not trained for. My best help was my coworkers and shift partner.
- Many aspects with this department is still a 'good ol boys club' and if you're not a part of it, you're wrong, outcast, and often run out of the department. I've seen many good Officers experience this and leave.

This career is hard, thankless on the surface, mentally taxing, emotionally grueling, family disconnecting, dark, sometimes perverted, the product that every salesman must sell but no one wants and passionate.

I truly hope, in the future, that these concerns never come up again. I truly hope our supervisors will lead us and not manage us. I truly hope that this department will be as supportive of the officers as the community is. I also hope that this department will be fun, uplifting, caring, understanding, practical, and rational when those changes come around.

My home and door is always open to any Officer who needs a place, needs a break, is wanting an ear or a shoulder and doesn't mind taking a short drive because I live way out there. I will always be that blue sister to any of the siblings at this department.

Sincerely,

Heather Summers

[redacted]

July 1, 2020

To whom it may concern,

Please accept this letter as my resignation from the Minot Police Department.

My last day with the police department will be July 10,2020.

Sincerely,

Heather Summers

Exhibit M-1

City of Minot

Police Department

February 21, 2020

Senior Officer Heather Summers,

On January 30, 2020 you attempted your winter qualification and failed to perform to department standard. In accordance with department policy governing sidearm qualifications, specifically Policy 306.5.1, I am relieving you of your field assignment until you successfully complete the qualification course. Your duty day will consist of firearms training to help you become proficient with your sidearm. When you are not assigned to firearms training, you will conduct non-uniform administrative duties as assigned. While on administrative status you are prohibited from carrying your department issued sidearm on and off duty. You will be given up to one week of remedial training in this non-field assignment status and expected to successfully qualify no later than Friday, February 28, 2020. If you are qualified by that date you will return to your field assignment.

This problem will be addressed further by Lt. Shannon Lackey and Capt. Jason Sundbakken and a plan will be put in place for continued firearms proficiency training.

Chief John Klug — Date: 2/21/2020

I acknowledge understanding of this letter removing me from field assignment. I further acknowledge receipt of a copy of this letter.

Heather Summers 433/7874 — Date: 2/21/20

Sr. Officer Heather Summers

☆The Magic City☆

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HR Director, Lisa Jundt, Response to Officer #16 – Heather Summers

Responses address numbered bullet points from information provided by Officer #16

Just as a general comment to the information provided by former Officer Summers. First, I am not aware of her contacting the Human Resource department with any of her issues. Second, in reviewing her file, she was struggling with several issues prior to Chief Klug assuming the role as chief. **See Exhibit M-Documentation from Officer Summer File located in the Minot Police Department and not originally included in her City Personnel File in the HR Department.**

1.) Sergeants Noyes and Bambenek were not in the promotional round which included then Sergeant Lackey. Sergeant Lackey was the top certified applicant in that round, but was promoted second from the certified list after then Sergeant McLeod. **See Exhibit N- Lieutenant Certification list from February 2019.**

Exhibit M-2

City of Minot

Police Department

December 2, 2019

To: Senior Officer Heather Summers

From: Chief Jason T. Olson

Ref: Complaint ref. CFS 19-23351

Capt. Sundheim forwarded a report concerning an internal investigation he conducted following a citizen complaint in the handling of CFS 19-23351.

I have reviewed the investigation (see attached report) and concur with his findings indicating that the investigation was mishandled in violation of Policy 322 (Standards of Conduct).

Findings:

1. Officer Summers lack of thoroughness in handling Case# 19-23351 as documented in Capt. Sundheim' s report was in violation of Policy 322 – Standards of Conduct.

Disciplinary Action:

1. As this is the first such violation by Officer Summers the disciplinary action will be placing this letter of reprimand in her personnel file and in the internal investigation file.

Officer Summer's supervisors will continue to work with her on improvement and monitor her performance in handling her assigned cases.

Jason T. Olson Date: 12/2/19

Chief Jason T. Olson

I have received a copy of this letter of reprimand.

Heather Summers Date: 12/4/19

Heather Summers

★ The Magic City ★

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Minot Investigation Ch 18-40

Exhibit 14-3

INTERNAL INVESTIGATION

Minot Police Department

Internal Case File	19-8.2
RE: PD Case File	19-23351

Employee:	Detective Heather Summers
Date of Incident:	Investigation Performed By:
	Minot Police Department Capt. Justin Sundheim

DATE OF COMPLAINT/DATE OF ADMINISTRATIVE INVESTIGATION:

October 8, 2019/October 8-Nov 15

SYNOPSIS:

On October 8th, 2019, Tiffany BOKO contacted Chief Olson and expressed frustration over how a Domestic Violence call and investigation was handled.

SUMMARY OF INVESTIGATION:

October 8, 2019

Sgt. Goodman met with me in reference this case (19-23351). He briefed me on a DV case that was handled by one of the detectives, Det. Summers. He stated he received information from an acquaintance of concerns regarding an investigation Det. Summers handled. He stated they watched surveillance video from a domestic altercation that occurred on 7-24-19. On this date, Det. Summers changed her mind in how she interpreted the video. She indicated she was going to talk with the prosecutor about having the charge dropped. (DV assault against J. GEIGER) Sgt. Goodman stated he left the decision to Det. Summers, but in only observing the video, agreed that it likely shouldn't have been charged out as a DV assault offense.

[redacted] emailed Chief Olson about concerns regarding how a domestic violence case was handled/investigated.

Exhibit M-4

Minot Police Department

October 9th, 2019

I met with Chief Olson regarding this case.

October 15th 2019

0820 hrs-I met with Officer Cory in my office. A notice of investigation was given.

October 16th 2019

[redacted] emailed me apologizing for not returning my call. She provided some additional detail of concerns. (See attached email)

October 17th, 2019

I emailed [redacted] explaining process of administrative investigation. (see attached email)

1122 hrs-I met with Det. Summers in my office. Det. Summers was given a notice of investigation and a statement was given. (attached) A summary of statement is as follows:

1) Det. Summers met with [redacted] on 7/26/19. [redacted] had came to the PD in regards to the domestic altercation that occurred previously. [redacted] had obtained video from the residential surveillance that showed the altercation. [redacted] had some injuries that had become apparent since the previous night.
2) Det. Summers met with [redacted] at her desk and began to go through the video surveillance as [redacted] explained what was happening.
3) Det. Summers recorded an audio statement from BOYKO.

I received a response email from [redacted] that included additional concerns as well as her side of the situation that occurred on 7-24-19. A summary of some of the concerns are listed: (full email is attached)

1) Stated the initial report is incorrect (Officer Cory).

Exhibit M-5

Minot Police Department

(a) "The middle statement about him getting on top of me and strangling me I did not say."

(b) "And he did not strangle me on the ground he pinned me against the car while [redacted] ran away and held my throat, after all the punching in the car. And pulling me back in to punch me some more."

(c) "Also the phone he listed as stolen is wrong. It is a 6+ not a 5s" "I told him that night I was calling to press charges on assault and that Jared had took my phone"

2) She was frustrated with the amount of time it took for the assault charge to be processed.

October 21, 2019

I met with the city prosecutor (Pierson) to discuss the case. I showed Pierson the video that was supplied by [redacted] Pierson's opinion was a disorderly conduct charge against both [redacted] and GIEGER may have been the most appropriate. The basis/premise of the charge would be the alarming behavior of both [redacted] and GIEGER, with the child being the victim.

October 30, 2019.

I reviewed the radio traffic that had been sent by PSAP McPeak. Radio traffic from dispatcher relays what [redacted] stated in the original call to dispatch. Dispatcher relays to officer that [redacted] states *"her son's father came over, they got into an argument, he threw her to the ground and strangled her. Occurred about 20 minutes ago and she states he also stole her phone. He's no longer there at this time. She's declining medical, as well."*

October 31, 2019

Transcription of radio traffic is attached.

November 7, 2019

I reviewed audio of interview between [redacted] and Detective Summers.

Exhibit M-6

Minot Police Department

Based on the facts gathered during this investigation, the listed policies were reviewed; **Minot PD Policy 322 (STANDARDS OF CONDUCT), Minot PD Policy 311 (DOMESTIC VIOLENCE).**

322.5.8 STANDARDS OF CONDUCT-PERFORMANCE

(a) "Failure to disclose or misrepresenting material facts, or making any false or misleading statements on any application, examination form, or other official document, report or form, or during the course of any work-related investigation."

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilations of any department record, public record, book, paper or document.

Given the totality of the circumstances, **322.5.7 STANDARDS OF CONDUCT-EFFIENCY** was found to be more applicable in this review. There is no reason to believe the misrepresentation of facts was intentional. See details to follow.

322.5.7 STANDARDS OF CONDUCT-EFFIENCY

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

Det. Summers allowed the victim [redacted] o go through the video with her and explain what was happening. This is not good investigatory practice as an investigator (when practicable) should review video independently first to avoid bias or preconceived dispositions. As a result, SUMMER's articulation of facts in the affidavit do not seem to reflect what the video portrays. Specifically, it does not appear as though [redacted] is pulled into the vehicle. [redacted] enters the vehicle on her own and begins to engage with GIEGER. Once inside, it is inconclusive at best as to GIEGER's "strikes" against her. It appears to become an issue of the two attempting to gain/retain control over the juvenile child. Arms and hands can be seen grabbing and pulling at each other in efforts to maintain/gain control of the child.

By SUMMERS's own actions, 1) reviewing video after warrant issued, 2) asking a supervisor how to undo the case 3) requesting the charge be dismissed, she acknowledges the mishandling of the investigation.

SUMMERS is in violation of this policy as the investigation was inefficient due to lack of thoroughness. SUMMER'S responsibility is to both the parties involved in the incident to ensure accurate facts are articulated and presented to the prosecutor's office so they can make an informed decision.
SUSTAINED.

Exhibit M-7

Minot Police Department

CONCLUSION:

To ensure [redacted] and GIEGER had an independent review of this incident, the city prosecutor, DV specialists, SUMMERS's supervisor (Sgt. Goodman) and myself all reviewed the video. Each came to the same general conclusion as to the ability to proceed with any potential criminal charges against GEIGER. Although actions may have been inappropriate, any criminal application of those actions would be difficult to prosecute.

Forwarded to Chief Olson for review.

Captain Justin Sundheim

Exhibit M-8

November 25, 2019

Chief Olson,

I am writing you this request letter for my transfer back to day-shift patrol.

I have had the experience and opportunity to learn new tactics, tricks of the trade, understand century code, as well as build relationships with our community members.

Over the last 22 months, I have had some strides and have had some successful cases; however, I have also experienced my own weaknesses in their full light and how I have held myself back from growing as an investigator.

At this time, I feel it is to my benefit to return to patrol and gain more experience, see new things, and meet more people that live in our community. I feel that with the additional experiences, personal growth I expect to continue to come, and tighter bonds with my fellow Officers my career with the Minot Police Department could only benefit and get stronger.

I understand the schedule restraints I have due to my family needs and I understand that not everyone can be accommodated. However at this time, the hours associated with the day shift is what I know my family can accommodate.

Should day shift not be an option, I will speak with my husband and see what we can work out from there.

I cannot thank you enough, along with my supervisors in Investigations, for the opportunity to learn about investigations and what it takes.

I know the topic of long term goals will come up, as I too have thought of this. I feel that I am still too new to the department to specifically have a defined goal. I know I do wish to attempt my hand at Task Force as well as SRO. However, I know with both of those options, I need to wait for an opening and then apply.

Should you have any questions, please let me know. Thank you.

Sincerely,

Heather Summers 4331 7874

Det. Heather Summers
Investigation Division
Minot Police Department

Exhibit N

Police Lieutenant
February 2019

		10 points		15 points		32.5 pts		32.5 points	90 pts	
		15 years = 10pts		(1500 x .01)		(100 x .325)		(300 x .1083)		
Name	**Service Time**	**Service Time Pts**	**Training Hours**	**Training Hour Pts**	**Test RS**	**Test CS**	**Interview RS**	**Interview CS**	**Total**	**Placement**
Lackey, Shannon	18	10	2064.5	15	68	22.100	259.00	28.0497	75.1497	1
Dyke, Darren	21	10	2607	15	59	19.175	258.00	27.9414	72.1164	2
McLeod, Matt	16	10	1912.5	15	59	19.175	249.00	26.9667	71.1417	3
Wheeler, Daniel	14	9	1556.00	15	66	21.450	224.00	24.2592	69.7092	4
Chapman, David	19	10	2251.00	15	58	18.850	236.00	25.5588	69.4088	5
Ruelle, Tyler	9	4	1504	15	67	21.775	261.00	28.2663	69.0413	6
Schoenrock, Steve	13	8	1779	15	55	17.875	236.00	25.5588	66.4338	7
Wilk, Kevin	13	8	1947.00	15	60	19.500	203.00	21.9849	64.4849	8
Mattice, Krista	11	6	1765	15	55	17.875	233.00	25.2339	64.1089	9

Pts=Points
RS=Raw Score
CS=Converted Score

September 5, 2018

To: Officer Kevin Cory

From: Chief Jason T. Olson

Ref: Letter of Reprimand

Captain John Klug gave me a report outlining a pattern of behavior on the part of Officer Kevin Cory regarding tardiness or absence from required court appearances (see attached report).

On 09/05/18, Captain Klug, Lt. Jason Sundbakken and I met with Officer Cory to hear his response to the report. Officer Cory indicated that on the first two occasions when he was late for court he forgot to put the information in his calendar. He was able to get to court, albeit late, in order to testify thanks to delays in cases prior to his case. On the third occasion he said that he had called the State's Attorney Office and spoke to a clerk. He told the clerk that he was going to be on vacation during the court date. Cory stated that the person he talked to said they would take care of notifying the prosecuting attorney. It was reinforced to Officer Cory that unless he is actually released from the subpoena by the prosecutor he was still obligated to respond to it. He was told to make sure there is documentation in any future occasions where he is released from the subpoena.

Findings: Officer Kevin Cory, on three recent occasions, was late for or failed to appear for District Court after having been subpoenaed to make his appearance. These cases of tardiness or absence are without justifiable excuse by Officer Cory.

As a result of these findings I am issuing this letter of reprimand and warning.

Officer Cory understands that any future violations of this nature could result in more severe sanctions such as suspension without pay or termination of employment. This letter will remain in his file for a period of one year from this date after which he may request that it be removed provided that there have been no further similar violations of policy.

Date: 9/5/18

Chief Jason T. Olson

I have been given a copy of this disciplinary decision.

Date: 9/5/18

Officer Kevin Cory

City of Minot

Police Department

Policy Violation
Ref: Failure to Appear in Court When Subpoenaed
Officer Involved: Officer Kevin Cory

September 4, 2018

I have received three (3) email notices from Kelly Dillon at the States Attorney's Office notifying me that Officer Kevin Cory missed a scheduled court appearance for which he was subpoenaed.

- The first occurred on July 19th, 2018 when he missed a preliminary hearing. That hearing was fortunately continued.
- On August 10th, 2018 I received another email informing me that Officer Cory missed another preliminary hearing. In this case, they recalled Officer Cory calling the day before the hearing to find out if it was still scheduled, but didn't show up for the hearing the following day. They called Officer Cory and he arrived 45 minutes passed the scheduled time. Fortunately in this case the hearing before his took a long period of time so his late appearance didn't affect the outcome.
- The last email was received on August 23rd, 2018 in reference to a preliminary hearing. The States Attorney's Office called Officer Cory when he didn't show up for his preliminary hearing. He informed them he was boarding a train and couldn't make it to the hearing.

The pattern of three (3) missed hearings in a five week time frame is unacceptable and leaves the States Attorney's Office in a bad position with the court when the key witness doesn't show up. This behavior not only reflects poorly on Officer Cory, but also on the Minot Police Department and will not be tolerated.

The policy violation in this case is as follows and is **sustained** for Officer Kevin Cory:

- **Policy 323 – Standards of Conduct**

323.5.5 Attendance

(d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

Respectfully,

Captain John Klug
Patrol Commander
Minot Police Department

John Klug

From: Kelly Dillon <Kelly.Dillon@co.ward.nd.us>
Sent: Thursday, July 19, 2018 1:58 PM
To: John Klug
Subject: Missed prelim

Officer Cory
State v. Jasmine Massingill
CFS 18-17520
Preliminary hearing was continued.

Kelly A. Dillon
Deputy State's Attorney
315 3rd Street SE
Minot ND 58701
(701) 857-6480

NOTICE REGARDING ELECTRONIC SERVICE OF DOCUMENTS: I do not accept e-service of documents at this individual e-mail address. If you are e-serving a document upon anyone in the States Attorney's Office, please use the office e-mail address: 51wardsa@wardnd.com. Thank you.

John Klug

From: Kelly Dillon <Kelly.Dillon@co.ward.nd.us>
Sent: Friday, August 10, 2018 8:19 AM
To: John Klug
Subject: FW: Kevin Cory Prelim 8-9-18

Follow Up Flag: Follow up
Flag Status: Flagged

Capt. Klug,

See below. I am advised that Officer Cory called this office the day before the preliminary hearing to verify that it was on the calendar.

Kelly A. Dillon
Deputy State's Attorney
315 3rd Street SE
Minot ND 58701
(701) 857-6480

NOTICE REGARDING ELECTRONIC SERVICE OF DOCUMENTS: I do not accept e-service of documents at this individual e-mail address. If you are e-serving a document upon anyone in the States Attorney's Office, please use the office e-mail address: 51wardsa@wardnd.com. Thank you.

From: Christopher Nelson
Sent: Friday, August 10, 2018 8:15 AM
To: Kelly Dillon <Kelly.Dillon@co.ward.nd.us>
Subject: Kevin Cory Prelim 8-9-18

State v. Kiowa Thomas Henery Polson Hanlon, 51-2018_CR000738, was on the calendar for 3:30 pm. The case was called at 4:30 pm. I asked for a moment to step outside and contact Cory. I called dispatch who contacted Cory. Cory then arrived at approximately 5:15 pm. If not for the Arthur Whitebody case that we also had to deal with, I'm fairly certain that Mattson would have dismissed.

This is a victim crime with 4 counts of terrorizing

John Klug

From: Kelly Dillon <Kelly.Dillon@co.ward.nd.us>
Sent: Thursday, August 23, 2018 3:59 PM
To: John Klug
Subject: FW: Prelim Issue

Please see the below.

Kelly A. Dillon
Deputy State's Attorney
315 3rd Street SE
Minot ND 58701
(701) 857-6480

NOTICE REGARDING ELECTRONIC SERVICE OF DOCUMENTS: I do not accept e-service of documents at this individual e-mail address. If you are e-serving a document upon anyone in the States Attorney's Office, please use the office e-mail address: 51wardsa@wardnd.com. Thank you.

From: Taylor Short
Sent: Thursday, August 23, 2018 3:58 PM
To: Kelly Dillon <Kelly.Dillon@co.ward.nd.us>
Subject: RE: Prelim Issue

He was subpoenaed and served.

Taylor Short
Legal Secretary
Ward County States Attorney's Office
701-857-6480

----------Confidentiality Statement----------
This transmission is intended only for the use of the individual to whom it is addressed and may contain information that is made confidential by law. If you are not the intended recipient, you are hereby notified any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please respond immediately to the sender and then destroy the original transmission as well as any electronic or printed copies. Thank you.

From: Taylor Short
Sent: Thursday, August 23, 2018 3:56 PM
To: Kelly Dillon <Kelly.Dillon@co.ward.nd.us>
Subject: Prelim Issue

Hey Kelly –

Not sure if you want to mention this to Klug – but Officer Cory was scheduled for a prelim for Jasmine Massing ill this afternoon at 330pm and apparently is boarding a train to Indiana at the moment. We were sort of saved in this instance because Jasmine is suffering from some sort of mental psychosis and Migdal and the deputies are with her right now, but had she been good to go, we would have had no officer.

This is the second prelim for this defendant and the last time it was continued because Cory wasn't here that time.

Taylor Short
Legal Secretary
Ward County States Attorney's Office
701-857-6480

----------Confidentiality Statement----------
This transmission is intended only for the use of the individual to whom it is addressed and may contain information that is made confidential by law. If you are not the intended recipient, you are hereby notified any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please respond immediately to the sender and then destroy the original transmission as well as any electronic or printed copies. Thank you.

February 19, 2019

To: Officer Jenna Bjork, Joshua Lund and Kevin Cory

From: Chief Jason T. Olson

Ref: CFS #2018-39291 – Patrol Response to WCNTF Request for Assistance

This letter is in reference to a review of the reports and video from an incident that occurred on December 13th, 2018. Officer Jenna Bjork, along with Officers Kevin Cory and Joshua Lund were working as patrol officers when they responded to a radio request from Officers Chad Watterud and Ross Lakoduk, who are assigned to the Ward County Narcotics Task Force, to assist them with stopping a vehicle. The occupants were suspected of being involved in illegal narcotics activity.

Capt. John Klug reviewed the reports and video available from the incident and issued the attached report (see attached report).

Findings: I have reviewed Capt. Klug's report and watched the video from the in-car recorders. I concur with his findings that the listed officers violated department policies as detailed in his report.

Discipline: As a result of these findings I am ordering the following:

Officers Bjork, Lund and Cory are being formerly reprimanded for the policy violations, in particular for failing to activate emergency lights and siren during emergency driving. It is critical that this equipment be used to alert and warn others of the potential danger of getting in the way of emergency vehicles who are in response mode.

A secondary purpose for activating emergency lights and sirens while violating traffic laws such as speeding and going through stop sign and traffic light controlled intersections without stopping is to allow the public to see that there is an emergency taking place which justifies the disregarding of these traffic laws.

Officer Cory is also reprimanded for deactivating his MAV (in-car) recorder prior to the conclusion of the incident and while he was still exceeding the speed limit.

Officers are ordered to review the referenced policies with their respective Patrol Shift Lieutenants to insure that they completely understand the policies going forward.

A copy of this letter will be placed in the personal files of these officers for a period of two years from this date, after such time, if there are no further policy violations of this or a similar nature, the officers may request that the letter be removed.

Any additional violations of policy may result in progressive disciplinary steps being taken.

Date: 2/19/19

Chief Jason T. Olson

I have been given a copy of this disciplinary decision.

Date: 2/20/19

Officer Kevin Cory

Witnessed by:

Date: 2/20/19

Capt. John Klug

Optional waiver:

I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

Date: 2/20/19

City of Minot

January 25, 2019

Police Department

Use of Force (Pursuit) Review
Incident # 18-39291
Officers Involved: Bjork, Lakoduk, Watterud, Cory, Lund

On December 13, 2018 TFO Lakoduk radioed for assistance from a patrol officer to assist with making a traffic stop. TFO Lakoduk and Watterud continued to follow the vehicle and radio the location to responding officers. Officer Bjork eventually got in a position to make a traffic stop and the vehicle fled. She terminated the pursuit of the vehicle; however, there were several issues with the response by the officers involved.

Officer Jenna Bjork

- Traveled 48 mph without lights activated in about the 8-900 blocks of 19th Ave. SW (residential 25 mph zone) to get caught up to Officer Lakoduk and the vehicle in question.
- Steered toward the vehicle when first making contact on 10th St. SW. Lights were first activated at this time. Vehicle continued to travel south with TFO Ross Lakoduk following behind it.
- It took about 4 blocks for Officer Bjork to get caught up to the vehicle on 20th Ave SW. She turned her lights off while trying to catch up and failed to stop for a stop sign and accelerated to 73 mph (40 zone) while traveling west on 20th Ave. SW to catch up to the vehicle.
- Activated emergency lights just prior to the traffic light to the intersection with the Hwy 2&52 bypass. Terminated the pursuit when the vehicle went through the red light at 16th St. and 20th Ave. SW. Bjork appropriately turned off her emergency lights and made a turn northbound on 16th St. SW.
- There was discussion on the radio about the vehicle possible turning into Western Village or onto Evergreen Ave. or possibly the bypass. Officer Bjork turned into the trailer court to search for the vehicle. She again reached 39 mph without lights on in this residential neighborhood.
- Continued to Evergreen Ave. on the Frontage Road and failed to stop at the stop sign prior to turning onto Evergreen Ave. She then proceeded north on Evergreen and went through that neighborhood at 35-39 mph without emergency lights activated searching for the vehicle.

Officer Joshua Lund

- Camera activated at entrance to Water Treatment Plant on 16th St. SW. U-turn at that location to head south on 16th St. SW.
- Emergency lights not on, reaches speed of 36 prior to stopping for red light at W. Burdick Expy. Stops for several seconds, activates emergency lights and hits air horn and proceeds south through the red light. Turns emergency lights off prior to exiting the intersection and reaches speed of 42 mph prior to stopping for red light at 11th Ave. SW.
- After stopping for red light, once again activates emergency lights for less than a second and proceeds through the red light. Reaches speeds of 53 mph without emergency lights prior to slowing for left turn (eastbound) on 16th Ave. SW.
- Accelerated to 49 mph on 16th Ave. SW. He made a right turn (southbound) on 9th St. SW. Accelerated to 43 mph while traveling south on 9th St. SW along Edison School Property (while

school is in session. Made a right turn (westbound) on 18th Ave. SW and accelerated to 40 mph, conducted a U-turn in the area of 13th St. SW and accelerated to 40 mph back to 10th St. SW, where he turned south and accelerated to 41mph until reaching 20th Ave. SW where he made a right turn (westbound) without stopping at the stop sign. He then accelerated to 58 mph on 20th Ave. SW. (Emergency lights still not activated for any driving in this section.)

- Lund also proceeded to the area of Western Village in an apparent attempt to locate the vehicle that fled from Bjork. He resumed normal patrol until the end of the video.

Officer Kevin Cory

- Video starts in the area between the Hwy 2 & 52 split and Schatz Truck Stop with Officer Cory traveling westbound.
- Emergency lights are not activated at this time and patrol vehicle is traveling at 78 mph until it enters the area of the truck stop where the speed increased to 81 mph before slowing to 75 mph as it passed through the intersection with 13th St. SE.
- Officer Cory approaches another vehicle traveling in the inside lane without emergency lights activated, and as he approaches that vehicle, the vehicle is obviously concerned and applies its brakes. Officer Cory was traveling 62 mph at the point the other vehicles brake lights came on.
- He then makes a lane change and accelerates to 73 mph prior to the camera being turned off.
- Officer Cory is heard on the radio traffic calling in for a county unit or HP as he located the vehicle at the intersection of West 2&52 and W. Burdick. Reported that it was multiple traffic violations, almost caused an accident and that he was "just observing".
- He later states the vehicle is going north on the bypass. Passing vehicles on the shoulder. Sgt. Lackey announced that she didn't want PD officers involved in the pursuit. Cory then called TFO Lakoduk on the radio and said he "kept eyes on it from a very far, not pursuing it" and that it continued on the bypass.

Officer Ross Lakoduk

- Although it is likely that the suspect vehicle knew TFO Lakoduk was behind him from Marketplace until the time marked units engaged, there is no video to show his speeds or driving while continuing surveillance on the vehicle. No speeds are mentioned on the radio traffic. After the point Officer Bjork attempts to engage, it appears Officer Lakoduk is exceeding the speed limit with no emergency lights to observe the vehicle. Officer Bjork then passes Lakoduk and none of his driving is observed at that point.

POLICY VIOLATIONS

Policy 420 – MOBILE AUDIO/VIDEO

- 420.4.1 – Required Activation of the MAV
  - (a)(2) – Priority responses
  - (a)(3) – Vehicle pursuits
- 420.4.2 – Cessation of Recording

- Once activated, the MAV system should remain activated until the incident has concluded.

The violation of Policy 420 is **sustained** for **Officer Kevin Cory.** Due to his driving in excess of the posted speed limit it is reasonable to believe that he is still attempting to locate or engage in the search for the vehicle that fled from Officer Bjork.

Policy 308 – OFFICER RESPONSE TO CALLS

- 308.2 – Response to Calls
  - Officers responding to an emergency call shall proceed immediately. Officers shall continuously operate emergency lighting equipment and, if appropriate, sound the siren.
  - Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and sirens.

The violation of **Policy 308** is sustained for **Officer Jenna Bjork, Officer Joshua Lund, and Officer Kevin Cory.** Regardless of the type of incident or what the correct response could be, all three officers operated their patrol vehicles without emergency lights activated while not observing numerous traffic laws.

Captain John Klug
Patrol Commander

Gessner, Cheryl

12008-OFFICE and ADMIN SPEC-SR

Position ID - L4K007046

Reports To - Foley, Jared

Department - PDADMN-Police - Administration

Business Unit - POLICE-Police Department

Location - MPDPT-Police Department

REVIEW INFORMATION

2023 Annual Review

Review Period - 01/01/2023 to 12/31/2023

Status - Released to Employee

Target Completion Date - 01/20/2024

REVIEWER & CONTRIBUTORS INFORMATION

Reviewer - Sundbakken, Jason

Contributors - John Klug

INTRODUCTION

The evaluation process is an important part of any employment experience. Evaluations are used to assist in the development of employees, provide opportunity for feedback and discussion, and further enhance the work environment. Please evaluate each employee using the rating system provided. If you are not able to evaluate a particular area, please indicate under - "NA"- Not Applicable.

Thank you for your assistance in this important process. Please contact HR with any questions you may have.

RATING SCALE

5 - Exceptional	Performance is consistently superior and significantly exceeds position requirements.
4 - Highly Effective	Performance frequently exceeds position requirements..
3 - Proficient	Performance consistently meets position requirements.
2 - Needs Improvement	Performance meets some, but not all position requirements.
1 - Unsatisfactory	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A - Not Applicable	This item is not applicable to the employee's position.

QUESTIONS

Instructions

Conducting employee performance appraisals is a productive and meaningful activity that positively contributes to the success of our organization. For each of the questions or key performance indicators, you should measure the productivity of the employee and how he/she builds relationships across all levels of your organization to assist with effective and coordinated work.

1 - List aspects of employee's performance that contribute to his or her effectiveness.

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

Cheryl has been responsible for our department payroll. She has done a good job tracking and entering department payroll for every employee.

2 - List aspects of employee's performance that require improvement for greater effectiveness.

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

Cheryl has had a difficult time adjusting to change. She would benefit greatly in her job by being more open to the changing environment of work and how we conduct day-to-day operations.

3 - In what way is the employee ready for increased responsibility? What additional training will he/she need to besuccessful?

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

Due to the transition to ADP, Cheryl's role in payroll will be greatly changed. Her job duties/assignments will be changing to adapt to the current needs of the department. Cheryl will likely need to learn new processes and possibly new systems to fill that role. The department will provide her any necessary training and resources to ensure that she can transition successfully to this new role.

4 - What comments, ideas or suggestions would you add to your review?

Category - Employee Comments — Employee only question

Employee Response

Have review before asking me this question.

Reviewer Response

Reviewer response is not required as this is an Employee only Question.

5 - What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

Category - Employee Comments | Employee only question

Employee Response

Listen to ALL employees.

When wanting to pass something that will affect all employees, be truthful and don't glorify one side / issue over the other.

Treat long time employees better not just new employees. They were and have been faithful to the organization.

Reviewer Response

Reviewer response is not required as this is an Employee only Question.

6 - What can be done to better serve the customers/citizens of Minot by the City:

Category - Employee Comments | Employee only question

Employee Response

Talk professionally to them and treat with respect if you want them to return the same to you. LISTEN.

Reviewer Response

Reviewer response is not required as this is an Employee only Question.

7 - What can be done to better serve the customers/citizens of Minot by Your Department:

Category - Employee Comments | Employee only question

Employee Response

Keep cussing out of the workplace and when dealing with citizens. Voices carry throughout the building, cars, down the street. Sometimes one may have to speak such if you are trying to fit into a situation but otherwise it definitely isn't very professional if you want to be respected as a person or an agency / business.

Reviewer Response

Reviewer response is not required as this is an Employee only Question.

8 - What can be done to better serve the customers/citizens of Minot by You:

Category - Employee Comments — Employee only question

Employee Response

Help people when one can. Kindness goes a long way, Just listening can sometimes make a big difference in someone's life.

Reviewer Response

Reviewer response is not required as this is an Employee only Question.

9 - What can your supervisor do to help you reach your professional potential?

Category - Employee Comments — Employee only question

Employee Response

Keep me informed of what is going on. Discussions and decisions are made many times and one never gets told about it or even asked about it. Usually find out through the "grapevine" or not at all.

Reviewer Response

Reviewer response is not required as this is an Employee only Question.

10 - Other questions/comments:

Category - Employee Comments | Employee only question

Employee Response

I may add comments after the review.

Reviewer Response

Reviewer response is not required as this is an Employee only Question.

11 - Skill and proficiency in carrying out assignments | Weighted at 5%

Category - | Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

4 - Highly Effective

Cheryl does a good job of completing assignments given to her. She has a broad working knowledge of many of the systems and procedures we use.

12 - Possesses skills and knowledge to perform the job competently | Weighted at 5%

Category - | Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

4 - Highly Effective

Cheryl is very competent in her job, especially when dealing with payroll and payroll related issues.

13 - Skill at planning, organizing and prioritizing workload Weighted at 5%

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

3 - Proficient

Cheryl plans, organizes, and accomplishes all of the tasks that are given to her. She has made improvements on duplication of work and processes.

14 - Holds self accountable for assigned responsibilities; sees tasks through tocompletion in a timely manner Weighted at 5%

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

4 - Highly Effective

Cheryl always completes tasks that are assigned to her. She holds herself, and everyone else accountable for responsibilities.

15 - Proficiency at improving work methods and procedures as a means toward greaterefficiency Weighted at 5%

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

2 - Needs Improvement

Cheryl sometimes has a difficult time adapting to changing processes or protocols. In addition, Cheryl at times has duplicated processes that have been set in place. While accuracy is of utmost importance, we must also trust in the processes set-forth and the fact that there are checks and balances built into that process.

16 - Communicates effectively with supervisor, peers, and customers Weighted at 5%

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

3 - Proficient

For the most part Cheryl does a good job communicating with supervision and asking questions to clarify things she is uncertain about. When Cheryl does not agree with or fully understand something, or perceives something in a negative way, she can sometimes become resistive or even argumentative. This has the potential to affect working relationships within the organization.

17 - Ability to work independently Weighted at 5%

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

4 - Highly Effective

Cheryl has the ability to work independently and without much supervision. She has a good working knowledge of many aspect of the police department and the City of Minot.

18 - Ability to work cooperatively with supervision or as part of a team Weighted at 5%

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

2 - Needs Improvement

Cheryl is, and has been, a part of the Records Division for multiple years. She recently was given her own office due to privacy issues dealing with payroll. She has, however, still not chosen to assist in any of the Records tasks, or be a part of the Records Team. With the new ADP system in place Cheryl will likely have much less input in the payroll system of the city. This should allow her adequate time, going forward, to take up more of the responsibilities the Records Division is tasked with.

19 - Takes specific steps to create and develop their diverse workforce and to promotean inclusive environment. Weighted at 5%

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

4 - Highly Effective

Cheryl has always advocated for a more professional environment at work (clothing policies, language, etc). This attention to professionalism also has the potential to create a more inclusive environment for everyone to work in. Cheryl treats everyone with the same respect.

20 - Willingness to take on additional responsibilities Weighted at 5%

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

3 - Proficient

Cheryl takes on any task given to her and completes it in a timely manner. As previously stated, I would like to see her be a bigger part of the Records Team and the responsibilities of that Division.

21 - Reliability (attendance, punctuality, meeting deadlines) Weighted at 5%

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

3 - Proficient

Cheryl is always on time and only uses sick time (PTO) when necessary. She usually meets any task deadline given to her.

22 - Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment Weighted at 5%

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

4 - Highly Effective

Cheryl has had very good judgement and is able to problem solve in her job. She has been responsible for the MPD payroll for numerous years. There is no one in our department with a better working knowledge of the rules and intricacies of our payroll system.

23 - Operation, Maintenance and Care of Department Equipment Weighted at 5%

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

3 - Proficient

Cheryl takes good care of any and all department equipment that is provided to her.

24 - Safety Habits, Use of personal protective equipment, Reports hazards Weighted at 35%

Category - Reviewer Only Question

Employee Response

Employee response is not required as this is a Reviewer only Question.

Contributor Response - John Klug (Additional Reviewer)

No Response

Reviewer Response

3 - Proficient

Cheryl uses good safety habits and protective equipment, when necessary.

OVERALL COMMENTS

Employee Response

No Response

Contributor Response - John Klug (Additional Reviewer)

Overall Rating
--

No Response

Reviewer Response

Overall Rating
3 - Proficient

Cheryl has good working knowledge of her job and many of the inner workings of the police department. She could make improvements in her process efficiency which will lead to her ability to take on more Records tasks and responsibilities. Cheryl is a valuable employee and provides a great deal of working knowledge to other employees who can learn from her.

SIGNATURES

Employee Signature	Reviewer Signature

City of Minot

Employee's Name: Cheryl Gessner
Title: Office and Admin Specialist Senior
Department: Police Department
Review Period: Jan 2022 Dec 2022

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable

1. Skill and proficiency in carrying out assignments — 4-Highly Effe
   Brief explanation: Cheryl does a good job of carrying out assignment given to her. Her knowledge and "historical reference" of many things at the police department is a great asset.
2. Possesses skills and knowledge to perform the job competently — 4-Highly Effe
   Brief explanation: Cheryl is very knowledgable in her job duties, especially when dealing with payroll issues.
3. Skill at planning, organizing and prioritizing workload — 3-Proficient
   Brief explanation: Cheryl usually does a good job of prioritizing and planning her work load.
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner — 4-Highly Effe
   Brief explanation: Cheryl does a good job of completing any task that is given to her, meets deadlines, and holds herself accountable.
5. Proficiency at improving work methods and procedures as a means toward greater efficiency — 2 Needs Impr
   Brief explanation: Cheryl is a very meticulous person. She has, however, had issues and become resistant when processes change from what she is familiar or comfortable with. In addition she has had issues with creating redundant paperwork depite being told it is not necessary by Chief Klug. These things will reduce overall efficiency.
6. Communicates effectively with supervisor, peers, and customers — 3-Proficient
   Brief explanation: Generally speaking, Cheryl communicates effectively. There are times, when Cheryl becomes upset or is asked to change a process that she can be abrasive and/or argumentative. She has improved on these things during the year.
7. Ability to work independently — 4-Highly Effe
   Brief explanation: Cheryl requires little to no daily assistance in her job. She has a vast knowledge of the duties she is responsible for.

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 2- Needs Imp

Brief explanation: Cheryl prefers to work independently. She has been provided many opportunities to be a part of the Records team and also to work as a group to accomplish the multitude of tasks. Cheryl has mostly chosen to work on her own responsibilites and has not taken on much of the additional tasks within Records.

9. Willingness to take on additional responsibilities — 3- Proficient

Brief explanation: Cheryl will generally take on responsibilities that are asked of her. I would like for her to assist more frequently with other duties in Records, when necessary. In addition, I would like her to work with Trish to identify her redundency for payroll duties.

10. Reliability (attendance, punctuality, meeting deadlines) — 4- Highly Effe

Brief explanation: Cheryl is very reliable, and rarely late.

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 4- Highly Effe

Brief explanation: Cheryl generally makes good decisions, especially when handling the department payroll. She is very knowledgable, is able to problem-solve and work out payroll issues with employees.

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation: Cheryl takes good care of department equipment.

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 3-Proficient

Brief explanation: Cheryl uses good safety habits and protective equipment, when necessary.

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. N/A

Brief explanation:

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. N/A

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. N/A

Brief explanation:

17. Delegates responsibility where appropriate, based on the employee's ability and potential. N/A

Brief explanation:

18. Takes timely and appropriate corrective/disciplinary action with employees. N/A

Brief explanation:

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. N/A

Brief explanation:

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Cheryl has a vast knowledge of payroll and department procedure. She has many duties that are necessary to the function and organization of the police department. She will be an integral part of the new payroll system when it is implemented.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Continue to work on being a part of the Records "Team". The goal in the near future is to have multiple people who are able to fill in and do each job within that office. Work toward being a redundancy for one or more people in Records and also work with Trisha to pass on Payroll knowledge to someone she identifies. This will spread out work load and also allow the mission of the department to continue in anyone's absence.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

The City will be implementing the new payroll system at some point.. Cheryl will be heavily involved in that process and will continue to handle our departments payroll responsibilities. Learn this new program and processes. Identify ways in which this system can improve our current methods and create more efficiency. Continue to learn the Munis system as well to assist in the payment of various invoices within our department.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Continue to work on integrating yourself into the Records Team and involve yourself in the daily responsibilities. Become an expert in the new payroll system that will be implemented. Work to create workflows within that system that allow for better efficiency than our current methods. Continue to streamline your work and reduce redundancies.

5. List the employee's development goals for the coming year:

Attend all trainings related to the new payroll system that will be implemented. Advise your payroll backup of the sessions to ensure that all knowledge and information is shared. Work on creating a "Job Duties" document to allow others to know the things that you are responsible for, and when, in the event you are not able.

This annual performance review will become part of your City of Minot personnel file.
Please sign below to acknowledge that you have received this document.

Employee Signature:	Date:
Cheryl Dessen	12/22/2022
Supervisor Signature	Date:
Jason Dunwiddie	12-22-2022

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

When I was moved out of my office and into Records, I asked Chief Klug to specifically write what my duties would be so I wouffd know as I knew there would come a time there would an issue. He emailed me stating, "You handle 'payroll records'.... the currect Records staff handle 'police rcords'. You support us through the personnel side of our mission...paychecks are important..... you will maintain same titlle and role ...."

Payroll is not the only "work" I do. Going through daily paperwork and entering into my daily sheets is time consuming. There is always missing paperwork and well as it needing corrections. Some supervisors as well as Command Staff tend to sign off on paperwork without looking at it to make sure it is correct or verifying if they have leave available. I also have to look at schedules to see who is working. Schedules are not always updated and some are not filled in at all. Some in the department are not on schedules so I just assume they are here and working. Many times paperwork is not received from them until after payroll has been finished. In the records office, I do answer phones when people are busy and also answer the door, etc. Payroll paperwork is scanned onto my computer and I email what H.R. needs once I receive it in full for each payroll.

There were many isssues when I came into records and it didn't lessen. It was not all my doing as I seem to constantly hear. With the two gals no longer present/employed here, much has greatly improve not only for me but the other Records personnel as well. See below #5

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

Long term employees are tending to receive less and less. They have given years of service to the City of Minot and instead of less it should be more but one only hears how to recruit people and givr them more which is fine but remember those who have been loyal for many years.

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

I was brought up to have a good work ethic. I work when at work. I am alwayskrept busy doing my stuff. I am not constantly looking at my phone or googling for whatever on the computer, wandering around visiting or just sitting in other offices. As I enter deaths I do look at local funeral homes and newspaper sites. Sometimes if I have a few minutes of downtown, i will look further on some ND sites. After having my own office for 30+ years, I got used to quiet or quiet music. The Records office is always filled with loud voices aa there are so many employees in it. With that many employees, there is also much sickness - with some coming to work and passing an illness around. am not against learning Records work; however with what I have doew keep me busy. As for doing bills, invoices and the like, Chief Klug in the emailststed he wanted Lts. & Captains to do it and it hs never conme back to me. He also ststed I would be involved in inventory and supplies when I came back after COVID; however, her delegated that to other people.

City of Minot

Department Head Review

Department Head Comments & Recommendations:

☑ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Department Head Approval

Date: 12/27/2022

Human Resource Director Review

Comments:

Lisa Jundt

Human Resource Director Approval:

Date: 02-28-23

City of Minot

Employee's Name: Cheryl Gessner

Title: Office & Admin Specialist Senior

Department: Police

Review Period: January-December 2021

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position						

1. Skill and proficiency in carrying out assignments — 4-Highly Effecti

   Brief explanation: The past year brought more challenges for Cheryl with time away from work and her involvement in potential changes to the new payroll system for the City. That process of changing systems is now delayed. Cheryl completes assigned tasks on time.

2. Possesses skills and knowledge to perform the job competently — 4-Highly Effecti

   Brief explanation: Cheryl has worked with the current system for many years so the processes are second nature. With a new system in the future, Cheryl will be challenged to learn and adapt to a new system if or when it comes on line for the City.

3. Skill at planning, organizing and prioritizing workload — 3-Proficient

   Brief explanation: Over the past 2 years we have had to move a few people to different offices to adapt to dept. changes. We had to move Cheryl a couple times, but she's now settled in Records. Need to organize this space to maximize a smaller workspace while staying organized with the paperwork she works with daily.

4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner — 4-Highly Effecti

   Brief explanation: Completes her duties as assigned and ensures she meets any deadlines put in place by HR for payroll due dates/times.

5. Proficiency at improving work methods and procedures as a means toward greater efficiency — 3-Proficient

   Brief explanation: I think there is room for improvement in this area. We need to start filing our payroll documents electronically and eliminate the paper copies. This can be done easily with a little help and coordination with Capt. Sundbakken and IT.

6. Communicates effectively with supervisor, peers, and customers — 4-Highly Effecti

   Brief explanation: Cheryl does a better job of reminding employees and supervisors to get paperwork turned in to ensure payroll can be processed accurately.

7. Ability to work independently — 4-Highly Effecti

   Brief explanation: Cheryl can complete her assigned tasks with minimal involvement from other department members.

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 3- Proficient

Brief explanation: Cheryl has adapted to the change of space and joining the Admin Team in Records. Make sure you communicate with others if you have some time to help them with a task. I know you are working on a number of updates along with payroll and being out on personal time, but teamwork is essential to maintain a high level of effectiveness and efficiency.

9. Willingness to take on additional responsibilities — 4- Highly Effect

Brief explanation: When asked, Cheryl will complete additional tasks as needed.

Note: We need to consider the possibility of getting you trained and up to date with the Munis system for processing invoices and receipts when needed.

10. Reliability (attendance, punctuality, meeting deadlines) — 4- Highly Effect

Brief explanation: Cheryl is on time and ensures she has her work done prior to deadlines. She plans her time off around work, but needs to start taking her vacation regardless of whether it's payroll week. She will struggle to use the vacation she has earned prior to the end-of-year cutoff to avoid losing the time.

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 3- Proficient

Brief explanation: Don't over-analyze the information in front of you. I have different views on some of the payroll and time off than my predecessors. I want to give the employees the most consideration and ensure they are fairly compensated.

12. Operation, Maintenance and Care of Department Equipment — 4- Highly Effect

Brief explanation: Always takes care of department equipment assigned to her.

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 4- Highly Effect

Brief explanation: Cheryl makes sure her work space is clean and sanitized. She wears a mask when visiting other employees work space.

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates: N/A

Brief explanation:

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. N/A

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. N/A

Brief explanation:

17. Delegates responsibility where appropriate, based on the employee's ability and potential. N/A

Brief explanation:

18. Takes timely and appropriate corrective/disciplinary action with employees. N/A

Brief explanation:

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. N/A

Brief explanation:

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Cheryl's time with the department allows her to draw on historical knowledge and habit when processing payroll. The delay to changing our payroll system benefited Cheryl as the new system will mean new methods to complete payroll and likely bring some delays until she gets the process down. If this is brought on-line in 2022, Cheryl will have to make sure she takes in every training session possible so she has a good understanding of how it works.

2. List aspects of employee's performance that require improvement for greater effectiveness.

I'd like Cheryl to find an effective way to file payroll documents (vacation/CT/OT slips, etc) electronically. This will have to be done in an organized manner so documents can be found if needed. I would recommend involving Capt. Sundbakken to help with any coordination, as well as Sgt. Sundheim and Allison since they have experience with electronic record-keeping in their current roles.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Our restructure would have likely meant a different evaluator for Cheryl this year, but I wanted to provide continuity in evaluation and kept this responsibility with me. On top of the electronic filing I proposed in the previous block, I think we need to have Cheryl get trained on the Munis system so she can assist with paying invoices and attaching receipts to purchase card transactions.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

* Work with Allison so she understands the current payroll system.
* Work with Ashley as a new payroll system comes on line so you both understand and have some input.
* Implement the electronic form storage as previously mentioned.
* Ensure you are offering your assistance when the Records Office falls behind or someone is out for personal reasons (sick/vacation, etc.)

5. List the employee's development goals for the coming year:

Attend as many training sessions as possible when a new payroll system is brought on line and keep Ashley informed of the sessions so you both have knowledge in the system.

This annual performance review will become part of your City of Minot personnel file. Please sign below to acknowledge that you have received this document.

Employee Signature:	Date:
Cheryl Gessner	12/06/2021
Supervisor Signature	**Date:**
Jason J. Sundbakken	12-6-21

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

Review written by Chief Klug - presented and discussed by Capt. Sundbakken in my absence.

- [x] Approve Next Step Increase
- [ ] Deny Step Increase
- [ ] Hold Next Step Increase

Department Head Approval

Date: 12/21/2021

Human Resource Director Review

Comments:

Lisa Jundt

Human Resource Director Approval:

Date:

City of Minot

Employee's Name: Cheryl Gessner
Title: Office & Admin Specialist Senior
Department: Police
Review Period: January-December 2020

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

1. Skill and proficiency in carrying out assignments	4-Highly Effecti
Brief explanation: Like many others, Cheryl had to adapt to working remotely due to the COVID pandemic. Although this brought challenges and she had to work without many of the conveniences her office offers, she still completed payroll and other tasks efficiently.	
2. Possesses skills and knowledge to perform the job competently	4-Highly Effecti
Brief explanation: Cheryl has worked with the current system for many years so the processes are second nature. This will be challenged with a change in payroll systems in process of implementation now and will likely be in use around April 2021.	
3. Skill at planning, organizing and prioritizing workload	4-Highly Effecti
Brief explanation: While working from home it would be difficult for Cheryl to effectively or efficiently complete some tasks she would normally handle. This is to no fault of her own. She is still dedicated to ensuring PD staff get paid accurately.	
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner	4-Highly Effecti
Brief explanation: Completes her duties as assigned and ensures she meets any deadlines put in place by HR for payroll due dates/times.	
5. Proficiency at improving work methods and procedures as a means toward greater efficiency	3-Proficient
Brief explanation: If there is one area that Cheryl struggles a little bit, i would say it is with trying to find new or different ways to complete her assigned tasks. Then again, i don't know if she has ever been challenged to think outside of her current methods and processes.	
6. Communicates effectively with supervisor, peers, and customers	4-Highly Effecti
Brief explanation: I think Cheryl has gotten better at communicating effectively with all employees over the course of this year. There are only so many ways to ask for someone to turn in receipts or payroll related paperwork.	
7. Ability to work independently	4-Highly Effecti
Brief explanation: Cheryl knows what she has to do and gets it done without being prompted by me or other command staff.	

5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 4- Highly Effect

Brief explanation: Cheryl has worked from home most of 2020 so "teamwork" is a little difficult to show in that setting. However, a department restructure will keep her with payroll and paying bills when she returns, but it will also put her in a position to help records if she has spare time in her day.

9. Willingness to take on additional responsibilities — 4- Highly Effect

Brief explanation: When asked, Cheryl will complete tasks as needed.

10. Reliability (attendance, punctuality, meeting deadlines) — 4- Highly Effect

Brief explanation: Cheryl is on time whether working from home or in the office. She is punctual and ensures her time is accounted for. Deadlines are met even if that means putting in some time on a weekend or holiday. Always plans time off around work, but to a fault sometimes. This should get better in 2021.

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 3- Proficient

Brief explanation:

12. Operation, Maintenance and Care of Department Equipment — 4- Highly Effect

Brief explanation: Always takes care of department equipment assigned to her.

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 4- Highly Effect

Brief explanation: In the early phase of COVID when sanitizing surfaces was one of the critical aspects of mitigation, Cheryl ensured we had sanitizing wipes on hand and took part in wiping off some of the common work areas. She always has others safety in mind when considering work areas and supplies needed for our operation.

City of Minot

		6_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. N/A

Brief explanation:

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. N/A

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. N/A

Brief explanation:

17. Delegates responsibility where appropriate, based on the employee's ability and potential. N/A

Brief explanation:

18. Takes timely and appropriate corrective/disciplinary action with employees. N/A

Brief explanation:

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. N/A

Brief explanation:

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Cheryl has a system for payroll that works for her, but this will look different going into 2021 when the new payroll system for the City is implemented for all departments. Cheryl can be trusted to complete all tasks she is assigned and work as much as she can under current circumstances. I know the time on her time sheet is accurate and that she has filled as much time with work related tasks as possible and doesn't take advantage of the flexible work requirements for non-essential staff.

2. List aspects of employee's performance that require improvement for greater effectiveness.

2021 will bring many changes to our department. You will have to keep an open mind as we enter into the many areas that are unknown and unfamiliar as we implement the new Tyler (JARVIS) system for the City. Current processes may have to change to increase your efficiency in the area of payroll. You will have to learn the new system for processing invoices, and you will return to a shared office environment as part of our department reorganization and restructure. I know change can be unsettling, but we are not going to leave anyone on an island during this transition period and that is where Cheryl will have to trust the Command staff with decisions being made.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

This is my first year evaluating Cheryl. She has worked around me for several years now and I think her schedule is about as full as it can get. That being said, there may be different roles and responsibilities that will make more sense for her to have instead of working with invoices (paying bills) the way she has in the past. This is one of the areas we don't know about as the change takes place across the City.
Cheryl will need to attend periodic training on the various new systems used by the City. This will ensure she has the ability to step up and help the Captains and Lieutenants as they take on new roles within the organization.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Take opportunities to learn new City systems to increase effectiveness and efficiency with them.
Work with Ashley O. to share your knowledge and develop new processes for handling payroll in the new system.
Embrace the changes being implemented within the department structure.

5. List the employee's development goals for the coming year:

Attend available training opportunities provided for the new Tyler systems so you have full knowledge of the system capabilities as they pertain to working with the new system to process department payroll.

This annual performance review will become part of your City of Minot personnel file.
Please sign below to acknowledge that you have received this document.

Employee Signature:	Date:
Cheryl Dessyn	12/10/2020
Supervisor Signature	**Date:**
	12/10/2020

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

City of Minot

Department Head Review

Department Head Comments & Recommendations:

☑ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Department Head Approval

Date: 12/10/2020

Human Resource Director Review

Comments:

Lisa Jundt

Human Resource Director Approval:

Date:

Barb McPeak

Dispatcher #2 (former MPD Dispatch)

- 32 yr dispatcher, 4 yrs as PSAP – retired in 2020
- In 2022, a new position was created: Assistant PSAP Manager. This role was designed to support the PSAP Manager, focusing primarily on training, scheduling, and overseeing the dispatchers. Dispatcher 2 expressed interest in the role, as these responsibilities had been her favorite part of her dispatch work. She stated that her goal in applying for the position was 'to help get dispatch back on track, mentor and train someone to take the lead in dispatch, as Margaret lacks leadership qualities." She is just a "yes man" for Klug and Sundheim.
- Dispatcher 2 help write/wrote the training manual for Dispatch during her time there. She also developed an 8- and 10-hour schedule that worked very well. She only lost 2 dispatchers during her time as PSAP. She also came back for a few months after she retired to help cover lunches, as dispatch so short-handed.
  Before applying, Dispatcher 2 met with Margaret three times to assure her that she had no interest in reclaiming her former job as PSAP Manager. Instead, she was seeking to re-engage after retirement, finding the training and scheduling aspects of the new role appealing. All conversations were positive, and Dispatcher 2 believed that Margaret was supportive of her return. Quoting Margaret as saying "she'd be happy to have her back."
- Dispatcher 2 maintains contact with many current and former dispatchers, who reach out to her, to vent and get guidance and while still maintaining some aspect of confidentiality, as Margaret 'tells everyone everything'.
- Dispatcher 2 first applied for the Assistant PSAP Manager position in May 2022. She met with Chief Klug, with whom she had worked side by side for 20 years. However, she described their conversation as somewhat strange, sensing an attitude of 'sure, apply, but you won't be hired.'
  During her second interview for the role, she raised a critical point, stating they 'needed to address why so many people were leaving or quitting.' This interview panel included representatives from MPD, the Ward County Sheriff's Department, and the FD/Ambulance Service. Kraft, from the Sheriff's Department, asked Dispatcher 2 what she had done differently to retain more staff. She highlighted the significant strain that 12-hour shifts, implemented under Chief Klug, were placing on dispatchers.
- At the end of 2023/beginning of 2024 after going through a couple other Asst. PSAP managers, the position opened again. Dispatcher 2 applied again, met with Margaret again to assure her that she just wanted to do the Asst. PSAP job and not take her job. Margaret again was on board and seemed excited to have the help.
- Dispatcher 2 was called by Cpt. Sundheim some time later and told "So Chief offered the job to another candidate and he accepted. That's where we are at." Dispatcher 2 asked why the other candidate had been picked over her, to which Sundheim responded, "I can't tell you why, I wasn't part of the interview process." She was disappointed Chief Klug didn't call her himself. Dispatcher 2 showed me letters of recommendation she had from former Chief Olsen, Sheriff Robert Roed, Larry Haug (former 911 Coordinator) and Lonnie Sather (Asst. Fire Chief, MFD). Attached. Speaking with Lisa Jundt on 9.19.24 in Stef Stalheim's office, Lisa said they knew/know they have a problem with Margaret, yet when Sundheim asked her about dispatcher 2 applying for the Asst. PSAP position earlier this year, Lisa advised against

it because it would cause issues with Margaret. If we know we have a problem with Margaret, why are we worried about having issues with her? WTH?

- Dispatcher 2 mentioned how quickly things went downhill in dispatch after Chief Klug took command in 2020. No one was/is allowed to speak with Chief Klug or Cpt. Sundheim any longer, they must speak with Margaret first and she'll decide if they need to be informed. She also said there is no accountability within dispatch, because "if Margaret likes you, you don't get in trouble." Some other dispatchers (Jackie, Jenna, Jean) have brought up concerns and things they think could help fix some of the issues within dispatch. Margaret did not like them speaking up, so some of them were pushed out. Margaret labeled them as trouble makers. "Margaret does not like to be questioned, and is very retaliatory when she is."
- Dispatcher 2 also mentioned how many of our dispatchers both past and present are unhappy with the dispatch center. The center was designed by Cpt. Sundheim without any input from staff....didn't even ask for 'anything you think we need' to anyone. Dispatcher 2 mentioned again how depressing and dark most of the dispatchers think the center is. No windows, etc.
- Dispatcher 2 mentioned how it will take 6-8 months to train the new Asst. PSAP manager and that she could have been up and running in a couple weeks. I will mention, I have heard really good things about he candidate hired, but it is still surprising to see someone with these qualifications passed over.

3)

- Dispatcher 2 closed our conversation by talking about a dispatcher hired while she was PSAP, named Lacey Burgess. She apparently was friends with Chief Klug. Burgess left the scene of an accident in which her friend, who was drinking and driving, needed to be transported to the ER. She was arrested while on shift for doing so...later promoted within the department.

Larry J. Haug
[redacted]
Minot North Dakota 58703
[redacted]

To whom it may concern:

I am pleased to write this letter of recommendation for Barbara McPeak who is applying for the position of Assistant PSAP Manager with the City of Minot. I have known Barbara for over 35 years and worked with her at the Minot Police Department for over 25 of those years. After retiring from the Police Department, I continued working with her for an additional nine years while serving as the 9-1-1 Coordinator for Ward County. During this time I was able to observe her on the job as she expanded her knowledge and experience as a 9-1-1 Dispatcher, and later as the Minot Central Dispatch PSAP Manager.

Barbara has extensive experience in emergency services and has established herself as a person who is insightful and can handle pressure, while at the same time thinking about how to continue improving herself and the dispatch center as a whole. An example are the training manuals she created for new hires in the dispatch center. These manuals, along with policy reviews and revisions, assisted countless individuals who were beginning their careers as dispatchers in the extremely challenging and demanding world of emergency services. Another example of improving the dispatcher center was when she started the work on transitioning from the old style medical emergency cards for the dispatchers to the more modern and upgraded electronic medical dispatching system. This procedure ultimately assisted the dispatchers as well as improved service to the public during medical emergencies. Barbara also has worked on budgeting for the dispatch center

To find a more qualified individual for this position would be, in my opinion, very challenging. Barbara has a proven track record as a successful and resourceful leader in her field. She has extensive working knowledge of the -9-1-1 system, radio and telephone network systems and the overall working environment of a 9-1-1 dispatch center. In addition, Barbara has the ability to work closely with the dispatchers and assist them when they are experiencing difficulties on the job. This can help create a worker friendly environment leading to the retention of qualified individuals.

To summarize, I feel Barbara would be the perfect fit for the position of Assistant PSAP Manager. She checks all the boxes on the list of qualifications, and could assist the PSAP Manager with any duties required. She would also be an effective liaison working with both city administration and the dispatch staff. If you have any questions or would like to visit with me concerning this matter please feel free to contact me at any time. Thank you.

Sincerely,

Larry Haug

Letter of Recommendation

On behalf of Barb McPeak
Date: 04/30/2024

I have been informed that Barb McPeak is applying for the assistant PSAP manager for Minot Central Dispatch. I can think of no other person more qualified for this position. Her years of experience as a dispatcher and former PSAP manager make her a perfect fit for the job.

I have worked with Barb my entire 34-year career in Law Enforcement. From the start, she became the voice I wanted to hear on the other end of the radio. Whether I was dispatched to a call in progress or making a traffic stop, she would strive to stay one step ahead of me. Barb could anticipate the information that I would most likely be asking for and have that information ready for me. This was especially helpful in the years we worked before cell phones and in car computers came into play. Having someone taking initiative and researching made things run so much smoother that having someone just answering the radio and reacting only after I would ask for information. Barb was especially valuable each July while working dispatch in the Command Trailer at the ND State Fair. Again, her experience shined as she was able to answer questions, keep things running smoothly and even teach new deputies a few things about the fair. Our lost and found property was always organized and she took the initiative to research and make calls to reunite people with their property.

As we both move up in our careers, we continued to maintain that positive relationship. When Barb applied for the PSAP manager position, I felt that she was the obvious choice and voiced my opinion at that time. I am again voicing my opinion, as once again I feel she is right for the spot, and to me it would be an easy decision. I have had nothing but positive experiences with Barb whether it be through work or on a personal level outside of work.

Sheriff Bob Roed
Ward County Sheriff's Department

April 21, 2024

To: City of Minot
From: Jason Olson
Ref: Barbara McPeak

I recently learned that Barb McPeak has expressed interest in the position of Assistant PSAP Manager at Minot Central Dispatch. I cannot think of a more qualified and appropriate person to fill this position.

I had the privilege of working with Barb for three decades at Minot Police Department where I had the opportunity to see her career develop. I observed her perform her duties from the time that she began as a Dispatcher until her retirement from the position of PSAP Manager just a few years ago.

Barb has always displayed tremendous passion for her position in public safety along with a true desire to make the dispatch center and its staff the best they can be. She has trained almost countless new dispatchers during her career. She did so in a way that made it most likely for them to succeed. She treated her staff and co-workers with respect. She consistently worked towards improving the Dispatch Center both in keeping up with current trends in technology but also with concern for those she supervised. Barb approaches life with a servant's heart and a positive attitude.

I have absolutely no doubt that Barb would excel in the role of Assistant PSAP Manager. I give her my strongest endorsement.

Please feel free to contact me with any follow up questions if you would like.

Respectfully,

Jason Olson
Minot Police Department
Chief of Police (retired)

[redacted]

May 1, 2024

Lonnie Sather
Assistant Fire Chief
Minot Fire Department (Retired)

To Whom It May Concern:

I am writing in reference to Barb McPeak's application for Assistant PSAP Manager for the City of Minot. I have known Barb for more than thirty (30) years through our positions as dispatcher and firefighter, including later in our careers as administrators within our departments. Through my experiences working with Barb I found her to be a competent and dedicated dispatcher. She was always willing to listen to any issues we experienced involving the communications between our departments and worked well with our staff to find solutions to any problems. As an administrator she worked well in a team environment. I witnessed this as we cross trained our personnel to better our working relationship and improve our responses to emergency situations.

I recommend Barb for this position as I believe her education and experience would be an asset to your department and the training of your dispatchers.

If you require any additional information or more details to the information mentioned above, please feel free to contact me directly at [redacted]

Yours Truly,

Lonnie Sather

HR Director, Lisa Jundt, Response to Dispatcher #2 – Barb McPeak

Responses address numbered bullet points from information provided by Dispatcher #2

Some general comments. My HR staff and I have expressed their concern with Margaret's leadership and management in the past few years. We have done our best to be supportive to Margaret and the dispatch staff including offering guidance to command staff as needed. It's important to note that HR is a support department. We are not, and cannot be the manager of all things people-related in every department.

1.) As the former Public Safety Answering Point Manager (PSAP Manager) Barb McPeak would have been instrumental in hiring her replacement when she retired. When Margaret Haugan was selected she was actually the third certified appointment to the hiring eligibility list, yet the decision was made to promote her to the position. If Margaret was not qualified then to be appointed as the next PSAP Manager, Barb as the current PSAP Manager should have raised that issue with Chief Olson. When the promotional decision was made, Barb would have been the person to train and transition Margaret to be prepared for her new role. Barb was also Margaret's direct supervisor who conducted Margaret's annual evaluations. The last two year's evaluations Barb completed scored Margaret quite high in most categories and even noted that Margaret aspired to be the next PSAP Manager. Now Barb states that Margaret "lacks leadership qualities". This statement seems odd and is a little like back peddling at this late date. Considering Barb worked with Margaret for 14 years, supervised her for 3 ½ of those years, and was influential in her hire, I believe the lack of leadership would have been evident to Barb at the time of Margaret's promotion. **See Exhibit O- Certified Hiring list from December 2019. Exhibit P – The last two years of Margaret's employee evaluations completed by Barb McPeak.**

2.) When Barb applied for the Assistant PSAP Manager, I did say I thought it would be a bad idea to hire her to the position. There were a couple of reasons that I expressed my opinion on this. First, Barb and Margaret are two very strong personalities and it would be more than likely there would be "butting heads" on authority. Second, Barb had input and influence into Margaret's promotion from the onset. This department issue could probably have been avoided had there been stronger communication in stating there was no one qualified to assume the PSAP Manager position at the time of hiring. I would like to note that my opinion on this was basically irrelevant at the time since the applicants still had to go through the hiring process. In that process the person appointed to the Assistant PSAP position was scored as the number 1 candidate and has been doing an excellent job. **See Exhibit Q – Certified Hiring list from September 2023.**

3.) There was an incident involving Lacie Bjertness in October 2020. The issue was internally investigated and Lacey was disciplined. Lacey's employee evaluations the two years following this incident were very good, so it seemed like she had learned from her past mistake. When the position for lead dispatcher opened up, Lacey applied for the position and went through the hiring process and was ranked number 1. Note, there were only two applicants for the position which had to be filled by and internal candidate, and the other applicant was under a disciplinary investigation during the hiring process. Lacey was qualified and had the right to apply for the position. There are no grounds, that I am aware of, to hold a disciplinary action against an employee forever when they have corrected the issue and improved their performance. **See Exhibit R- Bjertness investigation and discipline. Exhibit S – Bjertness evaluations after discipline and before promotion. Exhibit T-Certified promotional list for July 2023. Exhibit U – Van Hill disciplinary investigation and discipline.**

Exhibit O

PSAP Manager
December 2019

		50 points		50 points			100 points	
		(100 x .5)		(300 x .1666)				
Name	**Test RS**	**Test CS**	**Interview RS**	**Interview CS**	**Vet's Pref**	**Vet Pts**	**Total**	**Placement**
Stiel, Kari	72	36.00	227.95	37.9765			73.9765	1
Dancer, Liberty	68	34.00	223.70	37.2684			71.2684	2
Haugan, Margaret	60	30.00	217.35	36.2105			66.2105	3
Sorensen, Elizabeth	75	37.50	140.70	23.4406			60.9406	4
Alves, Jeanne	55	27.50	150.55	25.0816			52.5816	5

Exhibit P-1

City of Minot

Employee's Name: Margaret Haugan
Title: Dispatcher Lead
Department: Police - Dispatch
Review Period: January - December 2019

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
1. Skill and proficiency in carrying out assignments		4-Highly Effecti				
Brief explanation: Margaret consistently helps with assignments but does not always follow through. Her initiative and intentions are sincere but she sometimes takes on too much.						
2. Possesses skills and knowledge to perform the job competently		4-Highly Effecti				
Brief explanation: Margaret is very competent to handle all aspects of the job.						
3. Skill at planning, organizing and prioritizing workload		4-Highly Effecti				
Brief explanation: Margaret is one of the most organized people I have known. She is able to prioritize workload appropriately and plans ahead in all situations.						
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner		4-Highly Effecti				
Brief explanation: Margaret takes pride in her job. The majority of the time she completes tasks in a timely fashion.						
5. Proficiency at improving work methods and procedures as a means toward greater efficiency		4-Highly Effecti				
Brief explanation: Margaret is consistently trying to make the job easier for everyone including the PSAP manager. She offers her time selflessly.						
6. Communicates effectively with supervisor, peers, and customers			3-Proficient			
Brief explanation: Margaret communicates well will with the PSAP manager, peers and the public. Customer skills are effective.						
7. Ability to work independently		4-Highly Effecti				
Brief explanation: Margaret can handle a large volume of the work load by handling back to back calls while staying in tune with the radio traffic.						

Exhibit P-2

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 4- Highly Effect

Brief explanation: Margaret can work with anyone. She tries to keep the team in communication with one another.

9. Willingness to take on additional responsibilities — 4- Highly Effect

Brief explanation: Margaret is willing to take on any additional responsibilities but can sometimes take on too much. She is valuable to the PSAP manager as she is able to handle the additional responsibilities while doing her dispatch duties

10. Reliability (attendance, punctuality, meeting deadlines) — 5- Exceptional

Brief explanation: Margaret is very reliable. She consistently offers to help in any way she can. She is always early and finishes work by the end of her shift. She will work any hours to help cover shifts.

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 4- Highly Effect

Brief explanation: Margaret has good active listening skills making analyzing facts easier for her and is able to problem solve with good judgement.

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation:

13. Safety Habits, Use of personal protective equipment, Reports hazards, — N/A

Brief explanation:

Exhibit P-3

City of Minot

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

5_Exceptional | 4_Highly Effective | 3_Proficient | 2_Needs Improvement | 1_Unsatisfactory | N/A_Not Applicable

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. — 3-Proficient

Brief explanation: Margaret is fair towards subordinates but annoys easily when discussions arise about the 'clicks" in the dispatch center

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. — 3-Proficient

Brief explanation: Margaret provided more comments this year towards the evaluation process.

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. — 4-Highly Effecti

Brief explanation: Margaret listens well to the employees that "vent" and tries to eliminate barriers by advising the PSAP manager of issues.

17. Delegates responsibility where appropriate, based on the employee's ability and potential. — 3-Proficient

Brief explanation: Margaret's type A personality makes delegating difficult. She tends to do the work herself but can delegate when necessary.

18. Takes timely and appropriate corrective/disciplinary action with employees. — 3-Proficient

Brief explanation: Since the leads were recently 'given more authority' she has taken on that responsibility but there has not been any real issues.

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. — 3-Proficient

Brief explanation: Margaret tries to get others to be more inclusive in all aspects but this is a difficult task.

Exhibit P-4

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Margaret has a very positive attitude when she comes to work. She is conscious of how her peers have viewed her in the past and has upped her game in her dispatching skills and has led by example to quash any ideas of inadequacy others may have felt about her. Her customer service skills are good and she is very professional when speaking to the public to include officers and public visitors to the room. Her helpful nature is a strong quality and is appreciated but can be overbearing sometimes. Margaret can handle a large volume of the workload.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Margaret's leadership skills would benefit it she could keep feelings and assumptions out of the equation when dealing with subordinates. She is fair but needs to work on how much weight she places on the "people pleasing" portion of dealing with people.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Margaret's desire to become the PSAP manager proves she is willing to learn more. She has taken a chair on the board of the NW CRIB for the SIRN project, one she was kind of volunteered for but she took it on with a smile and has done a good job being the secretary.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Margaret should work on keeping the job at hand, number one even if she is unable to "please" everyone.

5. List the employee's development goals for the coming year:

Continue to attend any training available. Seek out training and bring them to the attention of the PSAP Manager for possible approval.

This annual performance review will become part of your City of Minot personnel file. Please sign below to acknowledge that you have received this document.

Employee Signature:	Date:
Margaret Mayer	5 Dec 19
Supervisor Signature	**Date:**
Barbara J McPeak	12-5-19

Exhibit P-5

City of Minot

Employee Comments

1: What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

Exhibit P-6

City of Minot

Department Head Review

Department Head Comments & Recommendations:

☒ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Department Head Approval: Chief Josefik

Date: 12-10-19

Human Resource Director Review

Comments:

Human Resource Director Approval: Lisa Jundt

Date:

Exh. 64 P-7

City of Minot

Employee's Name: Margaret Haugan

Title: Dispatcher - Lead

Department: Police - Dispatch

Review Period: January- December 2018

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
1. Skill and proficiency in carrying out assignments		4-Highly Effectiv				
Brief explanation: Margaret handles the assignments she is given with few errors.						
2. Possesses skills and knowledge to perform the job competently		4-Highly Effectiv				
Brief explanation: Margaret possesses the skills and knowledge to perform the job. Over the course of the year her competency in completing the job has improved.						
3. Skill at planning, organizing and prioritizing workload		4-Highly Effectiv				
Brief explanation: Margaret is very organized and prioritizes appropriately.						
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner		4-Highly Effectiv				
Brief explanation: Margaret is willing to take on responsibilities but sometimes needs to be reminded of deadlines. Margaret handles the NCIC validations as well as key holder list updates as provided by Crime Prevention.						
5. Proficiency at improving work methods and procedures as a means toward greater efficiency		4-Highly Effectiv				
Brief explanation: Margaret helped with revamping our call guides.						
6. Communicates effectively with supervisor, peers, and customers			3-Proficient			
Brief explanation: Margaret communicates well with the PSAP manager. She can sometimes come across wrong with peers. Her customer service skills are good.						
7. Ability to work independently		4-Highly Effectiv				
Brief explanation: Margaret can work independently.						

Exhibit P-8

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 4- Highly Effecti

Brief explanation: Margaret likes to be a part of the team. Attention to detail when communicating with the team can be a problem at times making her interaction frustrating for her co workers.

9. Willingness to take on additional responsibilities — 5- Exceptional

Brief explanation: Margaret is always willing to do extra jobs or responsibilities. She always aims to please her superiors.

10. Reliability (attendance, punctuality, meeting deadlines) — 5- Exceptional

Brief explanation: Margaret is very reliable. She uses her Vacation, Comp Time and Sick Leave appropriately. Depending on the task, deadlines can pose an issue.

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 3- Proficient

Brief explanation: Margaret can analyze facts, use appropriate problem solving methods to come to a decisions that demonstrate good judgment. Sometimes comes across to co workers as not knowing procedures. This may be caused by the delivery of instruction when asked a question by her subordinates.

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation:

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 3-Proficient

Brief explanation:

Exhibit P-9

City of Minot

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. — 4-Highly Effectiv

Brief explanation: Margaret has shown improvement in this area. She is fair with her subordinates but needs to learn to let "things go" once they have been addressed. She continues to work on her role as a supervisor

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. — 3-Proficient

Brief explanation: Margaret could provide more feedback on her team. Assistance with evaluations this year was minimal from all leads.

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. — 3-Proficient

Brief explanation: Margaret's approach for developing skills in her team can leave them feeling rather frustrated. In the heat of the moment, assist them in how to do things, please remember when time permits to make sure they learn from the incident.

17. Delegates responsibility where appropriate, based on the employee's ability and potential. — 4-Highly Effectiv

Brief explanation: Margaret does not shy from delegating and does know the abilities of the members of the team.

18. Takes timely and appropriate corrective/disciplinary action with employees. — 3-Proficient

Brief explanation: Margaret has the ability to take corrective action but tends to sit back as long as the job is getting done. She needs to remember she is always a trainer and watch for teaching moments.

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. — 3-Proficient

Brief explanation: Margaret continues to use open discussions with her team to promote a cohesive team.

Exhibit P-10

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Margaret is knowledgeable, reliable, and aims to please. She is respected by the officers. Margaret has good customer service skills, and shows empathy for people. She communicates well with the PSAP manager. She continues to work on earning the respect of her co workers by doing more of the dispatch work.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Margaret should continue to be cognitive of how her actions appear and affect others.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Margaret has voiced interest in the PSAP manager position upon my retirement. Margaret needs to work on her interpersonal relationships. She will need to learn more about the equipment.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

With Margaret coming to day shift, she will have to "re-learn" the tasks of the day shift, find her place to fit in and use good interpersonal skills to build strong relationships.

5. List the employee's development goals for the coming year:

With Margaret coming to day shift, it should give her many opportunities to lead in my presence and allow her to learn/use her supervisory skills with immediate feedback for more effective use in the future.

This annual performance review will become part of your City of Minot personnel file. Please sign below to acknowledge that you have received this document.

Employee Signature:	Date:
Margaret Haugen	14 JAN 19
Supervisor Signature	**Date:**
Barbara Jo McPeak	1-14-19

Exhibit P-11

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

Exhibit P-12

City of Minot

Department Head Review

Department Head Comments & Recommendations:

☒ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Chief Jason Olson — Department Head Approval

1-16-19 — Date:

Human Resource Director Review

Comments:

Lisa Jundt — Human Resource Director Approval:

Date:

Exhibit Q

Landfill Attendant
September 2023

	100				100 Points	
	(300 x .3333)					
Name	**Interview rs**	**Interview CS**	**Vet Pref-%**	**Vet Pref Points**	**Total**	**Placement**
Wayne Fahy	260.50	86.8247		0.00	86.82	1
Shanlya Van Hill	246.00	81.9918		0.00	81.99	2
Lacie Bjertness	242.50	80.8253		0.00	80.83	3
Barbara McPeak	242.00	80.6586		0.00	80.66	4
Sami Newman	209.50	69.8264		0.00	69.83	5
Beth Sorensen	205.00	68.3265		0.00	68.33	6
Alexis Bell	193.00	64.3269	5%	3.22	67.54	7
Stacey Evanitus	108.00	35.9964	10%	3.60	39.60	8

RS = Raw Score
CS = Converted Score
*** = no interview score**

Exhibit R-1

City of Minot

Police Department

October 13, 2020

To: Dispatcher Lacie Bjertness

Ref: Internal Investigation # 20-11

This letter is a summary and order of discipline resulting from Lacie Bjertness' involvement in a crash involving injury while off duty. This incident happened on the public right of way at the intersection of 93rd Ave SE and 13th St. SE in Ward County. As a result of this accident, the passenger (Lacie's cousin – Jesika Sullivan) was transported to Trinity ER for treatment of her injuries and Lacie drove to Shannon Lackey's residence where she was staying for the weekend and did not report the accident to law enforcement. The investigation started with Ward County Deputy Brasfield and was later taken over by ND Highway Patrol Trooper Chris Olson. Trooper Olson cited Lacie for failure to register an off-highway vehicle and driving without liability insurance. A warrant request for failure to report an accident involving injury was also sent to the Ward County State's Attorneys Office for consideration for Lacie. After speaking with the State's Attorney on October 13, 2020, it is their intent to petition the court to issue a warrant for Lacie for that offense, which is a class A misdemeanor.

During the early phases of the investigation by Ward County Deputy Brasfield, Lacie asked if they could just make a docket entry and say it happened on private property. Deputy Brasfield told her she would not do that as it would jeopardize her career with the Sheriff's Office. Deputy Brasfield told Lacie she needed to meet with her to establish if she had been drinking at the time of the crash and Lacie told her she was at Lt. Lackey's house and didn't have any paperwork with her for the ATV so she would meet with her later when she had it. She also said she hadn't been drinking at the time of the accident.

Upon finding out about this incident I assigned an internal investigation (#20-11) to Lt. Matt McLeod and asked that he conduct an administrative investigation to determine if there were any violations of policy based on the facts surrounding the case. Lt. McLeod conducted his investigation and provided his report to me on October 12th, 2020 (see attached).

Findings: The actions by Lacie Bjertness at the time of the accident and investigation led to violations of Minot Police Department Policy 322 – Standards of Conduct. I find the following policy violations are all **sustained** and are basis for the disciplinary action in this case.

- Policy 322 – Standards of Conduct
  - 322.4 – General Standards – Members shall conduct themselves, whether on or off-duty, in accordance with the United States and North Dakota Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.
  - 322.5.1 – Laws, Rules, and Orders
    (c) Violation of federal, state, local, or administrative laws, rules, or regulations.
  - 322.5.2 – Ethics
    (e) Any other failure to abide by the standards of ethical conduct.
  - 322.5.8 – Performance
    (i) Any act on or off-duty that brings discredit to this department.

Exhibit R-2

- 322.5.9 – Conduct
  (h) Criminal, dishonest, or disgraceful conduct, whether on or off-duty, that adversely affects the member's relationship with this department.
  (m) Any other on or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.

Discipline: As a result of these findings I am ordering the following for Dispatcher Lacie Bjertness:

- Dispatcher Bjertness will be suspended without pay for a period of 2 days (24 hours).
- A copy of this letter will be placed in the personnel file of Lacie Bjertness at the City of Minot Human Resource Office.

Any future violations of policy may result in progressive disciplinary action, up to and including termination.

John Klug, Chief of Police — Date 10/13/20

I have been given a copy of this disciplinary decision.

Lacie Bjertness, Dispatcher — Date 10/13/20

Witnessed by:

Shane Haug, Lieutenant — Date 10/13/20

Optional waiver:

I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

Lacie Bjertness — Date 10/13/20

Exhibit R3

Office of Professional Standards

Internal Investigation

Minot Police Department
Internal Case File #20-11
PD Case File # NA

Employee:
Lacie Bjertness
Date of Incident:
10/2/20
Investigation Performed By:
Lt. Matt McLeod

Date of Complaint / Investigation:
10/5/20 – 10/12/20

Synopsis:

10/5/20

Case was assigned by command staff.

I contacted the S.O. to see if there was any bodycam footage of their response to the ER to speak with ER staff and the ATV passenger. Lt. Clemens advised there was not. I also contacted Sgt. Huston of the NDHP to find out which trooper was investigating the accident. He told me that Trooper Chris Olson was assigned.

I contacted Bjertness to stop in. We went over the notice of investigation. She was given a copy of the form as well as policy 1005 in its entirety. When we were finished, I took her to the chief's office as he intended to place her on leave pending the investigation.

I met with Lt. Lackey this afternoon. I served her notice of investigation. I had initially intended on speaking with her later, but we ended up discussing what she knew of the incident. She told me that she had agreed to let Bjertness stay at her home for the weekend. That evening, they had gone to the Moose Lodge, but then around 7:00pm Lt. Lackey and her husband went to The Spot, where they remained for the evening. She was not aware of where Bjertness and her friend went at that point. She told me they got a ride home around 2:00am. It was at that point she learned from Bjertness that there had been an accident. Bjertness told her she flipped an ATV at her cousin's place and her passenger was injured. I asked Lt. Lackey if it appeared that Bjertness was under the influence when she spoke to her, and she said she did not (Lt. Lackey did say that she herself felt a little intoxicated). Lt. Lackey was aware of rumors that were going around the PD about what had happened, but she said she couldn't say anything either way, as she had no knowledge of it.

10/6/20

I spoke briefly with PSAP Manager Margret Haugen today. I asked her when Bjertness had notified her of the accident. She said that it was sometime Saturday night. By that time, she said that she had already been notified by Captain Sundbakken and Deputy Brasfield had called her about it as

Exhibit R-4

well. Haugen did say that she told both Bjertness and Deputy Brasfield that she was aware of the matter and could not discuss it.

I called Deputy Brasfield. She told me that when she got to the ER with her trainee, they met with Jessica (couldn't remember the last name). She said that she had been there far close to 2 hours, but it had taken that long to get in. That was when she was told that the ATV had been driven by Bjertness and they had been on the roadway when the ATV flipped. I asked if she could tell whether Jessica had been drinking and she said that she couldn't tell (masks were being used). Jessica did tell her that she had not been drinking, but when Deputy Brasfield spoke with the nurse (Devyn Sumlin), she reported that Jessica told her she had been drinking.

Deputy Brasfield called Bjertness at about 0018 hours. They spoke about the matter and Bjertness told her that she had been driving but didn't have any of the paperwork she needed with her and that she was currently at Lt. Lackey's residence. Deputy Brasfield said that she contacted her sergeant, Kossan, with her concerns about a conflict. He instructed her to run with it anyway. She subsequently called Bjertness back. During that conversation, she said that Bjertness asked her if she could just say that it happened on private property and leave it as a docket entry. Deputy Brasfield refused and after that call, it was decided that they would request the highway patrol to work the accident. Deputy Brasfield told me that the SO can download that phone call after the fact and she will have their records office do so. She will get me the recording when its done.

See file for conversation.

I spoke to Devyn Sumlin on the phone today, she was the ER nurse that treated Jessica. I asked if she remembered Jesika telling her that she had been drinking. She remembered her saying something about having a few drinks. She said that there would not have been a tox screen done on Jessica as part of the treatment.

See file for conversation.

I spoke to Dispatcher Shanlya Van Hill today. I was made aware that she had received calls and/or texts from Bjertness regarding this matter. She told me that earlier in the evening she had seen a snapchat from Bjertness where she could tell that she was the passenger of what looked like an ATV. The next she heard from her was when Bjertness tried calling her around noon on the 3rd (Saturday). She was sleeping and did not answer the call. Later in the day she said there were text messages from Bjertness asking for answers to where some rumors had started. Van Hill read the texts to me over the phone. It was clear that Bjertness was upset about rumors and was trying to defend herself, Van Hill was trying to ease her but also told her that she had been told not to discuss the matter.

I asked Van Hill if she would allow me to photograph the messages. She told me that she will, and I said that I would let her know when I stop in during her shift. She will be given notice prior to that taking place.

See file for conversation.

10/7/20

I met with Van Hill this evening in my office. She showed me the text message thread between her and Bjertness and let me photograph the messages as well. She also showed a screenshot of a snapchat that was sent indicating that Bjertness would start a "shitstorm" of Van Hill was lying to her.

I also met with Jean Alves. She didn't really have much involvement aside from taking the call from the ER. She told me that she had been sent a screenshot from Deputy Brasfield. The message exchange was between Bjertness and Brasfield. Bjertness was asking why there was a rumor at the PD that she had been drinking. In speaking with both Van Hill and Alves, neither one indicated they knew of any rumors nor did they indicate they spoke of it to anyone outside of dispatch. Alves said that she tried to call Haugen to let her know, but did not get an answer, and that is when she emailed Sgt. Schoenrock.

See file for conversation.

Exhibit R-5

10/9/20

I spoke with Trooper Chris Olson this morning, he was the trooper that investigated the crash. He told me that he met with Bjertness Saturday (3rd) evening regarding the accident. It was reported that the crash took place on the roadway at the intersection of 93rd Ave SE & 13th St SE. Information regarding the crash is contained in the crash report, which is in the file.

The explanation Bjertness gave for not reporting the accident was that she was too concerned for the well being of her cousin. It was noted however that she did not take her cousin to the hospital, or accompany her, instead she went to Lt. Lackey's residence and went to sleep. Bjertness did report to Trooper Olson that she had two beers with dinner earlier in the night at the Moose Lodge, around 1900-1930. The crash occurred at app. 2300 hours. Trooper Olson issued citations to Bjertness for Failing to Register Off-highway Vehicle and for No Liability Insurance. He also indicated that he was filing charges for leaving the scene of an injury accident.

See file for conversation.

I spoke to Jesika Sullivan on the phone today. She told me that earlier in the night she had gone to the Moose Lodge and Bjertness was already there. She said that Bjertness had one drink with dinner, but she doesn't know about what if any she had prior to her getting there. Jesika said they left the Moose and she went to her home, Bjertness came out there after dropping off Lt. Lackey. I asked her if they were drinking while at her house and she said they were not. After the accident she said they tried to get Bjertness to go to the hospital, but she refused to go. She said that her boyfriend was communicating with Bjertness while she was at the hospital. The next time she saw her was for lunch on Saturday (3rd).

See file for conversation.

I received the reports from Deputies Brasfield and Eisenzimmer today, they were added to the file. I also received the in-car video which contains the calls made to Bjertness by Deputy Brasfield. During the call Bjertness did try to deceive Deputy Brasfield on the location of the accident, when confronted with what her cousin had reported, she referred to it as a technicality and tried to convince Deputy Brasfield the since it was in front of the driveway that it should be private property. She also tried to get Deputy Brasfield to do a docket entry and say that it did in fact occur on private property.

See file for audio.

10/12/20

Bjertness came in for her interview today. I had her tell me about her night starting at the Moose Lodge. She did say that she ordered a bucket of beers but only had 2 while there. After leaving the Moose, she ended up picking up the side by side because her friend wanted a ride. Bjertness said they ended up getting it stuck somewhere near 55th St SE. Her cousin and her boyfriend came out to help them. After doing so, she said that she had a "sip" of beer that her cousin had with her.

Bjertness and her cousin took the side by side back to her cousin's residence and when they got there, that is when the accident happened. She told me her concern was to get her cousin to the hospital and that she did not want to go as she does not like going to hospitals. She told me that she didn't think to call law enforcement as she did not think it was needed.

We discussed Bjertness trying to get Deputy Brasfield to say the crash was on private property and leave it at that. She did admit that she was wrong to do so. During the call, Deputy Brasfield told Bjertness that she needed to see her to see if she had been drinking. Bjertness said OK and subsequently informed her that she was staying at Lt. Lackey's place. Deputy Brasfield told her that she would contact her sergeant and get back to her. When she called back, she said they would get a hold

Exhibit R-6

of her when they were on shift the next day. They never did meet with her to determine if she had been drinking.

See file for interview.

Summary & Applicable Policies:

-322.4 - General Standards, *"Members shall conduct themselves, whether on-duty or off-duty, in accordance with the United States and North Dakota Constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority":* Bjertness operated a vehicle on a public roadway that was not licensed or insured. An accident occurred while on that roadway that resulted in injury to not only Bjertness, but her passenger. Bjertness did not notify law enforcement of the accident but went to the residence of Lt. Lackey while her passenger went to the ER for treatment. When contacted by Deputy Brasfield, Bjertness was deceptive about where the crash took place and tried to get Deputy Brasfield to report it falsely as being on private property. Bjertness did not notify her supervisor of what had taken place until the evening of the next day. Bjertness was cited for two violations surrounding the incident and has a warrant pending for leaving the scene of an injury accident.

-322.5.1(c) – Laws, Rules, and Orders, *"Violation of federal, state, local or administrative laws, rules, or regulations":* Bjertness operated an un-licensed, un-insured vehicle upon a public roadway in violation of ND Century Code (39-29-02 & 39-08-02(1)). Bjertness left the scene of an accident involving injury without giving proper notice. When she was contacted by deputies, she indicated that she didn't have the proper information with her.

-322.5.2 – Ethics, *(a) "Using or disclosing one's status as a member of the Minot Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity*
(b) "The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose."
(e) "Any other failure to abide by the standards of ethical conduct."
During a phone call between Deputy Brasfield and Bjertness, Bjertness asked Brasfield to say the crash happened on private property and just make a "docket entry" for the event. This would be a mis-use of her position with the police department for ill reasons.

-322.5.8(i) – Performance, *"Any act on-duty or off-duty that brings discredit to this department"*
Bjertness operated an un-licensed, un-insured vehicle upon a public roadway in violation of ND Century Code (39-29-02 & 39-08-02(1)). Bjertness left the scene of an accident involving injury without giving proper notice. When she was contacted by deputies, she indicated that she didn't have the proper information with her.

-322.5.9 – Conduct, *(a) "Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy"*
Bjertness did not notify any supervisor of the incident until the next evening, when she called PSAP Manager Haugen, who had already been made aware. That call was not made until the evening of the 3rd.

Exhibit R-7

(h) "Criminal, dishonest, or disgraceful conduct, whether on-duty or off-duty, that adversely affects the member's relationship with this department"

During a phone call between Deputy Brasfield and Bjertness, Bjertness asked Brasfield to say the crash happened on private property and just make a "docket entry" for the event. This would be a mis-use of her position with the police department for ill reasons.

(m) "Any other on-duty or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members"

Bjertness operated an un-licensed, un-insured vehicle upon a public roadway in violation of ND Century Code (39-29-02 & 39-08-02(1)). Bjertness left the scene of an accident involving injury without giving proper notice. When she was contacted by deputies, she indicated that she didn't have the proper information with her.

Lt. Matt McLeod

Exhibit 5 -1

City of Minot

Employee's Name: Lacie Bjertness
Title: Senior Dispatcher
Department: Dispatch
Review Period: 2022

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies (***Depending on position, some competencies may be more relevant than others.***)

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
1. Skill and proficiency in carrying out assignments		4-Highly Effe				
Brief explanation: Lacie has a high level of job knowledge that she is able to utilize in performing her assignments. She is efficient and thorough while carrying out tasks she has been given.						
2. Possesses skills and knowledge to perform the job competently			3-Proficient			
Brief explanation: Lacie is able to perform her job duties at a very competent level. She knows all aspects of the job, and has spent time on each shift of the course of the year. This has given her perspective on different techniques and priorities that are shown on days and nights.						
3. Skill at planning, organizing and prioritizing workload			3-Proficient			
Brief explanation: Lacie is able to properly prioritize and organize her job duties. She keeps tracks of other dispatchers, officers, and first responders, and makes sure to dispatch in the most efficient way she can. This includes using her CAD and CAD Mapping tool to track the closest responders and assign them appropriately.						
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner			3-Proficient			
Brief explanation: Lacie is accountable to any assigned duty. She has run training classes, most recently in April, using a program she designed. She has also worked as an on the floor trainer, and personalizes her instruction to the trainee.						
5. Proficiency at improving work methods and procedures as a means toward greater efficiency			3-Proficient			
Brief explanation: Lacie developed A training program, and tweaks it depending on class size and previous experiences. She works with the other trainers to personalize the training for each individual dispatcher going through both the classroom and on floor work.						
6. Communicates effectively with supervisor, peers, and customers			~~3-Proficient~~ 4 Highly Effective			
Brief explanation: Lacie is highly effective comminucating with others. She has a great phone demeanor, and is friendly and professional with callers. She is comfortable approaching and being approached by coworkers and supervisors, and isn't afraid to confront potentially sensitive topics.						
7. Ability to work independently			3-Proficient			
Brief explanation: Lacie is able to work quite well independently, which is very useful during the classroom training. The program runs up to 4 weeks, depending on class size, and Lacie is the sole trainer when she is in charge. She arranges all classroom content, and visits to other agencies.						

Exhibit 5-2

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 3- Proficient

Brief explanation: Lacie is comfortable working with every other dispatcher, and with supervisors. She is a valued part of a shift, and has had to work with all other employees over the course of the year, as she has had to switch shifts multiple times to cover business needs.

9. Willingness to take on additional responsibilities — 4- Highly Effe

Brief explanation: Lacie is always willing to do what is required of her. She has been a trainer during the year, running a class, and training 3 different dispatch trainees on the floor, as well. She has also been very flexible when it comes to work hours, completely changing from night shift to day shift and back.

10. Reliability (attendance, punctuality, meeting deadlines) — 3- Proficient

Brief explanation: Lacie is very reliable, and rarely misses shifts for any reason other than illness. She is always punctual, showing up well before her shift start time. She has picked up many overtime shifts over the course of the year, ensuring coverage during short shifts, and enabling coworkers to be able to take time off.

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 3- Proficient

Brief explanation: Lacie is an excellent problem solver, and is a very quick decision maker. She uses her experience and knowledge to guide her in making choices, and know how to incorporate her abilities with the systems dispatch uses to ensure the correct procedures are followed. Lacie also uses her judgement when training, and adapting her techniques to individual

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation: Lacie is able to use all dispatch equipment and escalates any issues that cannot be resolved to the correct agency, in a timely manner.

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 3-Proficient

Brief explanation: Lacie follows all department procedures regarding use of PPE, including masks.

Exhibit 5-3

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. N/A

Brief explanation:

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. N/A

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. N/A

Brief explanation:

17. Delegates responsibility where appropriate, based on the employee's ability and potential. N/A

Brief explanation:

18. Takes timely and appropriate corrective/disciplinary action with employees. N/A

Brief explanation:

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. N/A

Brief explanation:

Exhibit 5-4

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Lacie has been a dispatcher for 8 years and uses all of her accumulated knowledge to assist in both her own work, and while training new dispatchers. There aren't many call types she hasn't worked, and for those unusual ones that don't come around very often, she is able to draw on her own training and previous incidents to guide her in a proper response. She is a perfectionist, and demands attention to detail in herself, and in her trainees.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Lacie's biggest area of inconsistency is her performance on medical calls. She is perfectly capable of utilizing Pro QA in the proper manner, as evidenced in multiple High Compliance calls. However, her inconsistency, and tendancy to skip steps for expedience causes far more Non-Compliant calls that there should be. Lacie needs to slow down and follow all instructions in the Pro QA system. This ensures the best possible response level for the patients, and best information for our responders.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Lacie and the rest of the training department will be expanding the scope of service they provide to dispatch in the coming year. Exactly what that looks like is still to be determined, but it will include not only initial training of new dispatchers, but ongoing and refresher training for experienced dispatchers. Lacie will be a large part of shaping what that looks like, and creating the new training system.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Lacie will work on expanding the training program for Minot Central Dispatch, for the trainees and existing dispatchers. She will formalize her classroom training into a consistent experience for the trainees.
Lacie will also work on increasing her average EMD QA score, eliminating Non-Compliant calls, and increasing her High Compliant calls.
Lacie will be responsible for content and messaging in the trainining, including topic choice.

5. List the employee's development goals for the coming year:

Lacie will utilize the Academy of Emergency Dispatchers website to hone her EMD skills, taking available training courses, and applying them to her calls. She will also develop multiple ongoing training modules for the existing dispatchers, in coordination with the other trainers, that can be rolled out on a monthly basis.

This annual performance review will become part of your City of Minot personnel file.
Please sign below to acknowledge that you have received this document.

Employee Signature: [signature] Date: 1-17-23

Supervisor Signature [signature] Date: 1-17-23

Exhibit 5-5

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e., training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

Exhibit 5-6

City of Minot

Department Head Review

Department Head Comments & Recommendations:

☑ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Department Head Approval

Date: 1/18/2023

Human Resource Director Review

Comments:

Lisa Jundt

Human Resource Director Approval:

Date: 02-28-23

Exhibit 57

City of Minot

Employee's Name: LACIE BJERTNESS
Title: SR// CTO DISPATCHER
Department: COMMUNICATION
Review Period: JAN - DEC 2021

Employee Performance Evaluation

Note to supervisor performing evaluation: All City of Minot job descriptions can be located on the employee internal website for those of you who choose to reference the job description during the evaluation process.

Performance Competencies ***(Depending on position, some competencies may be more relevant than others.)***

5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.
4_Highly Effective:	Performance frequently exceeds position requirements.
3_Proficient:	Performance consistently meets position requirements.
2_Needs Improvement:	Performance meets some, but not all position requirements.
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.
N/A_Not Applicable	This item is not applicable to the employee's position

	5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable

1. Skill and proficiency in carrying out assignments — 4-Highly Effe
   Brief explanation: Lacie understands all aspects of the job and shows this through the skills she uses to to perform the job each and every day. Lacie holds herself to a very high standard when it comes to completing tasks and she makes sure others are also aware of what is on dockets and information is passed on to others coming onto shift.
2. Possesses skills and knowledge to perform the job competently — 4-Highly Effe
   Brief explanation: Lacie has a great working knowledge of the dispatch environment, and is able to apply that knowledge in an efficient manner while working. She is a highly skilled dispatcher and able to perform all job duties effectively. She is meticulous about the work she does and the information in which she passes on to her trainees.
3. Skill at planning, organizing and prioritizing workload — 4-Highly Effe
   Brief explanation: Lacie is able to multi-task and perform her job duties; she follows the training and makes sure new hires checklists are completed and tasks are done to her specifications. She has a plan in place and she sees it through to the end.
4. Holds self accountable for assigned responsibilities; sees tasks through to completion in a timely manner — 3-Proficient
   Brief explanation: Lacie completes all work as it is assigned to her. She takes great pride in all of the tasks in which she is assigned and makes sure they are done in a timely manner.
5. Proficiency at improving work methods and procedures as a means toward greater efficiency — 4-Highly Effe
   Brief explanation: Lacie developed and implemented a classroom training session over the last year, training multiple classes of trainees, and improvong the methods with each group that came through. She is always coming up with new ways to improve not only the training program but also some of the every day challenges on the floor to make work smoother
6. Communicates effectively with supervisor, peers, and customers — 3-Proficient
   Brief explanation: Lacie is always available to anyone for questions, and is comfortable talking to anyone she needs to in the course of her duties. Lacie also was able to find a balance between being a friend and being a Sr/CTO Dispatcher with those in which she works closely with
7. Ability to work independently — 3-Proficient
   Brief explanation: Lacie is able to work well independently and on a 2 person shift. Lacie has been given an ongoing task this year and now has motivation to continually keep herself focused within the Center rather than being on her cell phone during 'down time' as much.

Exhibit 5-8

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position.						

8. Ability to work cooperatively with supervision or as part of a team — 3- Proficient

Brief explanation: Lacie works well with others, and has been willing to shift her schedule several times which has resulted in her working with most other dispatchers this year

9. Willingness to take on additional responsibilities — 3- Proficient

Brief explanation: Lacie took on classroom training this year, which is quite a bit different than the on the job training we have done until this point. She was enthusiastic about the opportunity, and the challenge

10. Reliability (attendance, punctuality, meeting deadlines) — 3- Proficient

Brief explanation: Lacie has a very good attendance track record, and is on time to work almost always

11. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment — 3- Proficient

Brief explanation: Lacie does these things as a normal part of her dispatching duties, as dispatchers needs to be able to piece together several different things for most calls.

12. Operation, Maintenance and Care of Department Equipment — 3- Proficient

Brief explanation: Lacie is very good at reporting when there are issues with equipment or something may appear to be not working as it should. She always informs the PSAP as well as getting an email out to the IT Help desk when needed.

13. Safety Habits, Use of personal protective equipment, Reports hazards, — 4- Highly Effe

Brief explanation: Lacie does well with making sure work areas are kept clean and directives are followed during this time (COVID related). She also is always making sure our cleaning supplies are well stocked and if items are needed she will make sure PSAP knows and then she will gather them together.

Exhibit S-9

City of Minot

		5_Exceptional	4_Highly Effective	3_Proficient	2_Needs Improvement	1_Unsatisfactory	N/A_Not Applicable
5_Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4_Highly Effective:	Performance frequently exceeds position requirements.						
3_Proficient:	Performance consistently meets position requirements.						
2_Needs Improvement:	Performance meets some, but not all position requirements.						
1_Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A_Not Applicable	This item is not applicable to the employee's position						

Additional performance competencies for employees with supervisory responsibilities

14. Displays fairness towards all subordinates. N/A

Brief explanation:

15. Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. N/A

Brief explanation:

16. Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. N/A

Brief explanation:

17. Delegates responsibility where appropriate, based on the employee's ability and potential. N/A

Brief explanation:

18. Takes timely and appropriate corrective/disciplinary action with employees. N/A

Brief explanation:

19. Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. N/A

Brief explanation:

Exh. 61 S-10

City of Minot

Performance Summary (attach additional pages as necessary)

1. List aspects of employee's performance that contribute to his or her effectiveness.

Lacie has a lot of knowledge and a great willingness to share it. She is always aware of what is going on with all calls in dispatch, and frequently points out items that need to be corrected or clarified to the dispatcher handling any particular item. Lacie is a book of knowledge and resources in which she is very willing to share with all those she comes in contact with. She is diligent in completing her DORs and communicating to the other trainers all information in regards to the trainees progress or issues that they may be having. She also brings many ideas and questions to the the Trainer Meetings so they are able to grow together as a Training Team, and all will have an input or say.

2. List aspects of employee's performance that require improvement for greater effectiveness.

Lacie can work on her medical calls, and following the EMD protocols more exactly. She has greatly improved but there is still room to get better. This year has been a challenge for all in going from our old card sets to the computerized system of Pro-QA.

3. In what way is the employee ready for increased responsibility? What additional training will he/she need to be successful?

Would like to have Lacie reach out to other agencies and set up trainings for not only our new hires but also for our Dispatchers who have been here for some time to get remedial / updated training. I feel Lacie would also be a great candidate to take on the role of overseeing all the training for the Center - keeping track of when they are needing to recertify and also when there are trainings that they should possibly attend to further their knowledge. This is an area I would like to discuss with Lacie and see if she would have an interest in possibly being a co-trainer in building a more advanced Training Program.

Goal Setting and Development Planning

4. List the employee's performance goals for the coming year:

Lacie should continue to lead by example and continue to train herself and prepare for the ever changing environment within the Dispatch Center. Be a positive role model. Continue to build on the training program along with the other CTOs. Lacie should continue to become more adapt to using the new Pro-QA system and breaking the bad habits we all formed over the years; needs to remember to ask the questions - each and everyone of them and follow the script for vebatim. There has been a lot of training in which Lacie and others have taken through the year: Pro-QA, Vesta, 800 MHz Radio Training, city training courses, and having to keep up on certifications of CPR, NCIC, and EMD.

5. List the employee's development goals for the coming year:

Would like to see Lacie continue to build on te training program, as well as eventually take over the tracking of training throughout the Center (aka Master Trainer). Assist in coming up with ways to boost the morale within the Center and a Welcoming of New Hires to the Center. Also would like Lacie to come up with a list of ideas in which she would like to implement into the training program or into the Center on-going training, as well as areas in which may be interested in training to build her knowledge and growth within the Center.

This annual performance review will become part of your City of Minot personnel file. Please sign below to acknowledge that you have received this document.

Employee Signature:	Date:
Lacie Bjot	12-1-21
Supervisor Signature	**Date:**
Margaret Hagen	12-1-21

AS 7213

Exhibit 5-11

City of Minot

Employee Comments

1. What comments, ideas or suggestions would you add to your review?

2. What can the City do to promote a better sense of overall employee satisfaction (i.e.; training, communications, participation, growth opportunities)

3. What can be done to better serve the customers/citizens of Minot by:

a.) The City:

b.) Your Department:

c.) You:

4. What can your supervisor do to help you reach your professional potential?

5. Other questions/comments:

Exhibit 5-12

City of Minot

Department Head Review

Department Head Comments & Recommendations:

☑ Approve Next Step Increase

☐ Deny Step Increase

☐ Hold Next Step Increase

Department Head Approval

Date: 12/1/2021

Human Resource Director Review

Comments:

Lisa Jundt

Human Resource Director Approval:

Date:

exhibit T

[redacted] LEAD DISPATCHER ASSESSMENT SCORING - July 2023

	10 Points (100 x .10)			30 Points (100 x .30)						30 Points (100 x .30)								30 Points (100 x .30)						100 Points	
Name	Service Time	Service Points	[redacted]	Int 1	Int 2	Int 3	Cumulative Interview Score	Average Interview Score	[redacted] Score Points	Scenario 1 Scores (50 total points each)			Scenario 2 Scores (50 total points each)			Cumulative Scenario Score	Average Scenario Score	Weighted Scenario Points	Topical Project			Cumulative Score Topical Project	Avg. Score Topical Project	[redacted]	Total Combined Points Score	Rank
Lacie Bjertness	9y 3m	9	[redacted]	82	78	82	242	80.6666667	24.2	44	43	40	48	42	40	257	85.66667	25.7	71	81	49	201	67	20.1	79	1
Shanlya Van Hill	6y 6m	6	[redacted]	75	75	69	219	73	21.9	45	43	40	45	41	35	249	83	24.9	83	89	73	245	81.66667	24.5	77	2

Exhibit 4-1

City of Minot

Police Department

August 31, 2023

To: Senior Dispatcher Shanlya Van Hill

Ref: Internal Case File #23-7.1

This is a summary and order of discipline resulting from the investigation of Shanlya Van Hill surrounding information about extended break periods. The break periods can vary between 30 and 45 minutes depending on the number of dispatchers working at the scheduled time. This investigation originated on June 9, 2023, and it took several weeks to compile information through the investigation.

Upon review of the information provided by Lt. Matt McLeod, I recognize the time abused by Van Hill to be extended break periods. In correspondence with Lt. McLeod, Dispatcher Van Hill commented to the effect that she did not think it was a bad thing to take a 45-minute break if that helped with morale in a stressful environment. On the surface, this seems reasonable, but I look at the fallout of this approach. Someone else is left covering the call volume with less assistance, so it only helps the morale of the one person taking the extended breaks. I also looked at the time periods which ranged from breaks that were 64 minutes to 80 minutes long. This is not a reasonable expectation.

Another email was sent by Dispatcher Van Hill to Lt. McLeod and me, wherein she said if there was a problem with it, her supervisor should have addressed it. Although this is true, the break times are set and are the responsibility of the employee. Any additional time would result in the need to take leave, which should be pre-approved by a supervisor.

There were 4 periods of time that resulted in excess break time for Dispatcher Van Hill. Depending on the break variation of 30 or 45 minutes, led to the loss of work time from Van Hill of 95 to 155 minutes in total. Additionally, Lt. McLeod could only audit a small window of time due to the lack of saved video within the police department.

Additionally, during the 2023 ND State Fair, dispatchers were advised that no time off would be granted during the fair. On July 25th, Dispatcher Van Hill contacted Lead Dispatcher Jenna Hurt and asked if it was busy because she wanted to come in late. Jenna said it was busy and even explained the types of issues they were responding to, and Van Hill still took 3 hours off and reported to work at 2200 instead of 1900 as scheduled. This, paired with the extended breaks, shows your lack of empathy for those who are relying on you to help take calls in the center.

Lt. Matt McLeod provided his summary of investigation to me for review, and I find that the following polices are all **sustained** and are the basis for the disciplinary action in this case.

☆ The Magic City ☆

PO Box 5006 • 515 2nd Ave. SW • Minot, North Dakota 58702-5006 • (701) 852-0111 • Fax (701) 839-4804

Exhibit 4-2

- Policy 322 – Standards of Conduct
    - 322.3 DIRECTIVES AND ORDERS
      Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.
    - 322.5.9 CONDUCT
      (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

- Policy 1011 – Meal Periods and Breaks
    - 1011.1.1 MEAL PERIODS
      Licensed employees and dispatchers shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor. Uniformed patrol and traffic officers shall request clearance from Minot Central Dispatch prior to taking a meal period. Uniformed officers shall take their breaks within the City limits and shall monitor their radios unless on assignment outside of the City. The time spent for the meal periods shall not exceed the authorized time allowed.

Discipline: As a result of these policy violations, I am ordering the following for Senior Dispatcher Shanlya Van Hill:

- Dispatcher Van Hill will be suspended for a period of one day (12 hours) without pay.
- A copy of this letter will be placed in the personnel file of Shanlya Van Hill at the City of Minot Human Resources Office.

John Klug, Chief of Police — Date: 9/12/2023

I have been given a copy of this disciplinary decision.

Shanlya M. Van Hill — Date: 10/4/23

Shanlya Van Hill, Senior Dispatcher

Exhibit U-3

Witnessed by:

Justin Sundheim, Captain — Date: 10-4-23

Optional waiver: I am choosing to waive any right to appeal of this disciplinary decision as provided in the Minot Police Department policy manual or City of Minot Employee Manual and Personnel Ordinance.

Shanlya Van Hill — Date: 10/4/23

Clark Hill

Yvette Heintzelman
T (847) 971-0398
F (312) 985-5585
Email:yheintzelman@clarkhill.com

Clark Hill
130 E. Randolph Street, Suite 3900
Chicago, Illinois 60601
T (312) 985-5900
F (312) 985-5999

September 24, 2024

via e-Mail: harold.stewart@minotnd.gov

Mr. Harold L. Stewart, City Manager
City of Minot
10 3rd Ave. SW
Minot, North Dakota 58701

Re: Internal Investigation

Dear Mr. Stewart:

Thank you for selecting Clark Hill to represent the City of Minot (the Client) in this matter. This letter and the attached Standard Terms of Engagement set forth the basis on which our firm will provide legal services. If we provide services before a signed copy of this letter is returned to us, those services are provided under these terms.

Whom We Represent. Our client in this matter will be the City of Minot. Our representation of the Client in this matter does not give rise to a lawyer-client relationship between the firm and any of the Client's officers, directors, owners, employees, subsidiaries, affiliates, or other persons or entities unless we specifically agree in writing.

Scope of Engagement. We agree to represent the Client with regard to an internal investigation into in the police department. We agree that our engagement is limited to performance of legal services related to this matter and, unless we agree otherwise in writing, we are not undertaking to represent the Client or its interests in any other matter. We will not provide business, investment, or accounting advice and understand that the Client will rely on others for such advice.

Our engagement does not include any advice or other legal services relating to federal or state securities laws, including appearing or practicing before the U.S. Securities and Exchange Commission (SEC) or the Client's disclosure obligations under such laws, and we understand that the Client will not, without our prior written consent, include documents or information we provide to it in any filings with federal or state securities regulators, including the SEC.

Fees. Our fees will be based on the amount of time spent by the professionals working on the matter and the hourly rates established for each. The firm's standard hourly billing rates for the lawyers I expect to be working on this engagement currently range from $350 to $750, and my standard hourly rate is $450. The hourly rates charged for paralegals range from $250 to $350. Our billing rates are subject to change from time to time.

Retainer. Our representation will not commence until we receive a retainer in the amount of $10,000 to serve as security for our final fees and expenses. These funds will remain in our client trust account for the duration of this representation, and any remaining balance will be returned to the Client upon termination of this representation.

HIPAA. We do not anticipate that it will be necessary for you to supply us any information relating to patients that is protected under federal or state privacy laws. In the future, if you deem it advisable or necessary to provide us copies of patient records or any other information that identifies one or more patients (such as their names, addresses, Social Security numbers, or device serial numbers) and is protected under federal or state privacy laws, please contact us before you do so. As required by HIPAA, we will send you a Business Associate Agreement that complies with the requirements of both the HIPAA Privacy Rule and Security Rule and protects your disclosure of such information to us.

Choice of Law. The relationship between the Client and the firm, including the validity, construction, and enforceability of this engagement letter, shall be governed in all respects by the law of Illinois, without regard to conflicts of laws principles.

If you agree to the terms of this engagement as stated above and in the attached Standard Terms of Engagement, please sign and return a copy to me. We look forward to working with you.

Very truly yours,

CLARK HILL

Yvette Heintzelman

Yvette Heintzelman

YH:ljs

The City of Minot accepts and agrees to be bound by the foregoing.

THE CITY OF MINOT

_____

By: _____

Its: _____

Date: _____

STANDARD TERMS OF ENGAGEMENT

Entire Agreement. The engagement letter and these Standard Terms of Engagement constitute the entire understanding and agreement between the client identified in the engagement letter (the Client) and this firm regarding our representation of the client in the matter described in the engagement letter. Unless otherwise agreed, they supersede any prior understandings and agreements, written or oral, and any billing requirements, outside counsel guidelines, or letters submitted to us. If any provision of the engagement letter or these Standard Terms of Engagement is held by a court or other arbitrator to be invalid, void, or unenforceable, the remainder of the provisions shall remain in full force and effect. The engagement letter and these Standard Terms may be amended only by a written agreement between the client and the firm. The Client should review this document carefully and contact us promptly with any questions. The Client should retain this document in its file.

Client Rights and Responsibilities. The Client has the right to (A) expect competent representation by the firm; (B) determine the purposes to be served by the legal representation, so long as those purposes are legal and do not violate the firm's obligations to the profession or to the judiciary; (C) be kept reasonably informed about the status of the matter and have the firm respond promptly to reasonable requests for information; and (D) terminate the representation at any time, with or without cause, subject to the obligation for payment of legal services provided and costs incurred by the firm.

The Client has the responsibility to (A) pay the firm as provided by this agreement; (B) be candid and cooperative with the firm and any court or other tribunal; (C) keep us informed with complete and accurate information, documents, communications, and other materials relevant to the subject matter of our representation or otherwise requested by us. In a litigation matter, the Client also has the responsibility to make its officers and employees available to meet with firm personnel and to attend trials, hearings, depositions, and other proceedings, and to commit the appropriate personnel and sufficient resources to meet the Client's discovery obligations.

The Client may not (A) demand that the firm use offensive tactics or treat anyone involved in the legal process with anything but courtesy and consideration; (B) demand any assistance which violates the Rules of Professional Conduct; or (C) pursue or insist upon a course of action which the firm reasonably believes to be illegal, fraudulent, offensive, or unwise. The firm may terminate this agreement for reasons permitted under the Rules of Professional Conduct.

Because we need to be able to contact the Client at all times regarding this representation, the Client agrees to inform us, in writing, of any changes in the Client's name, address, telephone number, contact person, email address, state of incorporation, and other relevant information regarding the Client or its business. Whenever we need instructions or authorization to proceed with legal work for the Client, we will contact the Client at the most recent business address we have received. If the Client affiliates with, acquires, is acquired by, or merges with another company, it agrees to provide us with sufficient notice to permit us to withdraw as its lawyers if we determine that such affiliation, acquisition, or merger creates a conflict of interest, or that it is not in the best interests of the firm to represent the new entity.

Whom We Represent. The person or entity whom we represent is the person or entity identified in our engagement letter. We do not represent any affiliates or related parties of that person or entity, such as owners, parent companies, subsidiaries, sibling entities, or other affiliates; or employees, officers, directors, shareholders of a corporation, partners of a partnership, members of an association or limited liability company, and/or other constituents of a named client unless our engagement letter expressly provides otherwise. Accordingly, our representation in this matter will not give rise to a conflict of interest in the event we represent other clients adverse to an affiliate or related person or entity in other matters.

Consent to Future Conflicts. As you know, Clark Hill is a large law firm and represents many other companies and individuals in many other matters. Those companies and individuals interact with one

another in many different respects. Thus, during the time we are representing the Client, we may also represent other clients—including clients who are direct competitors of the Client or may otherwise have business interests that are adverse to the Client's interests—in disputes or transactions adverse to the Client that are not substantially related to this representation.

Based on the foregoing, the Client agrees that our representation of it in this matter will not disqualify our firm from in the future opposing it in litigation, transactions, or other legal matters that are not substantially related to the subject matter of this representation, and the Client consents to any conflict of interest with respect to those representations. The Client understands and agrees that the firm is not obligated to notify it when we undertake such matters that may be adverse to the Client. We agree, however, not to use any proprietary or other confidential information of a nonpublic nature concerning the Client acquired by us as a result of our representation of the Client to its disadvantage in any litigation or other matter in which we are opposed to it. Additionally, the Client agrees that we may identify the Client as a client and disclose the nature of our engagement(s) to other clients and potential clients for the limited purpose of seeking waivers of conflicts of interest. We agree, however, that the Client's consent to this disclosure shall not apply in any instance in which the revealed information would compromise the Client's attorney-client privilege. If you later withdraw or modify this consent in any respect, you agree and consent to our withdrawal from our representation of you pursuant to these terms and the applicable Rules of Professional Conduct.

Advice About Possible Outcomes. From time to time, either at the outset or during the course of our representation, we may express opinions or beliefs concerning the matter or various courses of action and the results that might be anticipated. Any such statement made by any lawyer of our firm is an expression of opinion only, based on information available to us at the time, and should not be construed as a promise or guarantee.

In-Firm Privilege. From time to time, issues arise relating to legal ethics or our duties under the professional conduct rules that apply to lawyers. These might include, e.g., conflict of interest issues, and could even include issues raised because of a dispute between us and a client over the handling of a matter. Normally, when such issues arise, we seek the advice of our firm counsel, who is an expert in such matters. We consider such consultations to be attorney-client privileged communications between firm personnel and the counsel for the firm. A few courts, however, have held that under some circumstances such communications involve a conflict of interest between the client and our firm and that our consultation with firm counsel may not be privileged, unless we either withdraw from the representation of the client or obtain the client's consent to consult with firm counsel.

We believe that it is in our clients' interest, as well as our firm's interest, that when legal ethics or related issues arise during a representation, we obtain expert analysis of our obligations. Accordingly, the Client agrees that if we determine in our own discretion during the course of the representation that it is either necessary or appropriate to consult with our internal or outside counsel, we have the Client's consent to do so and that our representation of the Client shall not, thereby, waive any attorney-client privilege that our firm may have to protect the confidentiality of our communications with counsel.

Termination of Engagement. The Client may at any time terminate our representation upon written notice to the firm. We reserve the right to withdraw from our representation as required or permitted by the applicable rules of professional conduct upon written notice to the Client. If we terminate the engagement, we will take reasonable steps to protect the Client's interests in this matter, and the Client agrees to take all steps necessary to free us of any obligation to perform further, including executing any documents necessary to complete our withdrawal. If permission for withdrawal is required by a court or other adjudicator, we will promptly request such permission, and the Client agrees not to oppose our request.

The Client's termination or our withdrawal will not relieve the Client of its obligation to pay for services rendered, including work in progress and incomplete at the time of termination, and to pay for all expenses incurred on behalf of the Client through the termination or withdrawal date.

Conclusion of Representation; Retention and Disposition of Documents. Absent express notice of termination, our representation of the Client will conclude with respect to any particular matter for which we have been engaged upon completion of our work on that matter. At the Client's written request, its original documents and property will be returned to the Client, although the firm reserves the right to retain copies of any such documents as it deems appropriate. Our files and documents pertaining to the matter will be retained by the firm. For various reasons, including the minimization of unnecessary storage expenses, and consistent with professional conduct rules, we reserve the right to destroy or otherwise dispose of any such documents or other materials retained by us at the end of the firm's retention period, which is ten years, without further notice to the Client.

Post-Engagement Matters. The Client is engaging the firm to provide legal services in connection with a specific matter. After completion of the matter, changes may occur in the applicable laws or regulations that could impact the Client's future rights and liabilities. Unless the Client engages us after completion of the matter to provide additional legal advice on issues arising from the matter, the firm has no continuing obligation to advise the Client on such issues or on future legal developments, including monitoring deadlines that may arise with respect to the matter.

Costs. We will include in our statements separate charges for services, such as copying, messenger and delivery service, computer research, travel, international telephone, and fax charges. Such expenses may also include filing fees, deposition costs, process servers, court reporters, and witness fees. The Client authorizes us to retain any investigators, consultants, or experts necessary in our judgment to represent the Client's interests in the matter. We will usually advance costs up to $100, and require that our clients directly pay, or deposit with us funds to pay, expenses over $100.

Estimates. We are often requested to estimate the amount of fees and costs likely to be incurred in connection with a particular matter. But fees and costs are usually not predictable. Accordingly, we make no commitment concerning the maximum fees and costs that will be necessary to resolve or complete the matter. Any mention by us of fees and costs is only an estimate. It is also expressly understood that the Client's obligation to pay the firm's fees and costs is in no way contingent on the ultimate outcome of the matter.

Payment of Invoices. Normally, we will send monthly invoices for work performed and expenses incurred during the previous month. Payment is due promptly upon receipt of our invoice. Any balance unpaid after 30 days of the date of the invoice will accrue interest at the rate of seven percent (7%) per annum. Payments will be applied first to costs and expenses, then to accrued interest, if any, and then to the unpaid fees.

We will give the Client notice if the Client's account becomes delinquent. If the delinquency continues and the Client does not arrange satisfactory payment terms, we may withdraw from the representation and pursue collection of the account. We may also request permission of any court in which we have filed an appearance on the Client's behalf to allow us to withdraw as the Client's counsel, and the Client agrees that non-payment of our fees is a valid basis for our request to withdraw. To the extent collection of the Client's account becomes necessary, the Client agrees that, in addition to any unpaid balance and interest thereon, we will be entitled to recover all costs and expenses of collection, including reasonable attorney fees.

Retainer. We reserve the right to apply retainer funds to any delinquent payment due from the Client and to discontinue this representation until the Client replenishes the retainer. While a retainer is on deposit in our trust account, the Client grants us a security interest in such funds. Client retainers are

deposited in a pooled trust account. By law, interest earned on the pooled account is paid to a charitable foundation.

Trial Advance. In a litigation matter, once a trial or hearing date is set, we may require the Client to pay all amounts then owed to us and to deposit with us the fees we estimate will be incurred in preparing for and completing the trial or arbitration, as well as jury fees and arbitration fees likely to be assessed. If the Client fails to timely pay any additional deposit requested, we will have the right to withdraw from the representation. If permission of the court or other adjudicator is required, the Company agrees not to oppose any motion to withdraw.

Electronic Communications. It is likely that during the course of this engagement both the Client and the firm will use electronic devices and Internet services (which may include unencrypted email, mobile phones, voice over Internet, electronic data/document websites, and other technology) to communicate and transfer documents. Although the use of this technology involves some degree of risk that third parties may access confidential communications, you agree that the benefits of using this technology outweigh the risk of accidental disclosure. Nevertheless, just as we have policies and systems in place designed to make our electronic communications with you reasonably secure, it is equally important that you communicate with us in a manner that reasonably protects the confidentiality of information we share and any attorney-client privilege that may apply to our communications. This means that you should not use any computers or other electronic devices, networks, or websites that are owned, controlled, or may be accessed by others, including but not limited to, an employer, a hotel, library, or Internet café, or a shared home computer, to send or receive confidential information to or from us. Any device you use should be password protected and not accessible for use by any third party.

City of Minot

Special City Council Meeting
Friday, September 27, 2024, at 3:30 PM
City Council Chambers, City Hall (10 3rd Ave SW)
Any person needing special accommodation for the meeting is requested to notify the City Clerk's office at 857-4752.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. ACTION ITEMS

   3.1. EMPLOYMENT INVESTIGATION

   RECOMMENDED ACTION
   Staff recommends the City Council consider and approve a retainer agreement with a third-party investigator to investigate allegations of a hostile work environment, inconsistent discipline, staff confidence in leadership, staff retention, staff morale, and staff concerns of retaliation at the Minot Police Department and Minot Central Dispatch.

   While all three available investigators are qualified to conduct the investigation, the City Manager's recommendation is that Yvette Heintzelman's experience conducting investigations of police departments makes her the most specifically qualified.

   It is also recommended that the City Council approve the proposed budget amendment on first reading, authorize the Mayor to sign any documents necessary to retain the investigator, including authorization to remit any necessary financial retainers prior to second reading.

4. ADJOURNMENT

From: Stefanie Stalheim
To: Andrew Roach
Subject: RE: Chief Klugg"s investigation
Date: Friday, September 27, 2024 11:43:00 AM

I will add your name to the list – thank you for reaching out.

Stefanie Stalheim
City of Minot, City Attorney
Office Phone: 701-857-4755

From: Andrew Roach <andrew.roach@minotnd.gov>
Sent: Friday, September 27, 2024 11:42 AM
To: Stefanie Stalheim <stefanie.stalheim@minotnd.gov>
Subject: Chief Klugg's investigation

Hey Attorney Stahlheim, I know the outside investigation into chief Klugg has not started yet but I was not sure who to contact to make sure that I get to come forward and speak with the investigator. If you could please just let me know what I need to do or who I need to talk to when the time comes that would be much appreciated.

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From: Andrew Roach
Sent: Tuesday, September 17, 2024 6:05 AM
To: Harold Stewart
Subject: Re: Setting up a time to come talk with city manager

I'll wait to speak with the investigator. Thank you for your time.

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From: Harold Stewart <harold.stewart@minotnd.gov>
Sent: Monday, September 16, 2024 1:02:21 PM
To: Andrew Roach <andrew.roach@minotnd.gov>
Subject: RE: Setting up a time to come talk with city manager

If you would like to speak with me I am more than happy to listen. With the determination to have an outside investigator look into matters it is likely you will need to share your concerns with them as well, if you are willing to do so. So, you can speak with both or wait and speak with the investigator. Just let me know what you would like to do.

Harold

From: Andrew Roach <andrew.roach@minotnd.gov>
Sent: Monday, September 16, 2024 10:34 AM
To: Harold Stewart <harold.stewart@minotnd.gov>
Subject: Re: Setting up a time to come talk with city manager

It will have to be next week as I am busy the next few days. I spoke with Lisa Jundt this morning. She informed me that it is going to be an external investigation. How does that work as far as me coming forward? Is this something I should speak to them directly about or both?

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From: Harold Stewart <harold.stewart@minotnd.gov>
Sent: Monday, September 16, 2024 9:46:37 AM
To: Andrew Roach <andrew.roach@minotnd.gov>
Subject: RE: Setting up a time to come talk with city manager

Mr. Roach,

Thank you for your willingness to speak to me. How soon would you like to talk? If you are available, I could make sometime today work. Tomorrow I am available after 5pm. Unfortunately, I leave early Wednesday morning for a work trip to Washington DC and won't be back until late Friday night/early Saturday morning. I can make myself available this weekend or next week if that works better for you.

Harold Stewart

From: Andrew Roach <andrew.roach@minotnd.gov>
Sent: Friday, September 13, 2024 3:38 PM

To: Harold Stewart <harold.stewart@minotnd.gov>
Subject: Setting up a time to come talk with city manager

Hi Mr. Stewart, id like to set up a time to come speak with you in regards to chief Klug. I had been asked previously to come forward with my issues a few years ago by other members of our department but felt like I could potentially be retaliated against for coming forward. I would now like to speak with you personally in regards to this.

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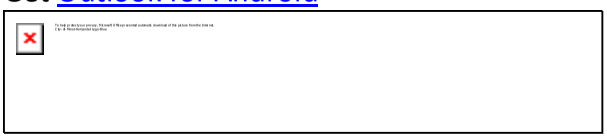

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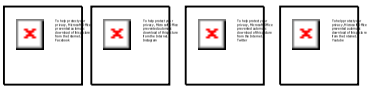

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From: Kevin Cory <kacory17@gmail.com>
Sent: Thursday, September 12, 2024 3:05 PM
To: Harold Stewart
Subject: Investigation - Chief Klug

Caution: This message has originated from an **External Source**.
Please use proper judgement and caution when opening attachments, clicking links, or responding to this email.

Good evening sir,

I am sure you are receiving a lot of emails and/or calls regarding the recent post about Chief Klug. That is actually why I am emailing you, I did also call and leave a message. I am sorry to leave you 2 messages, but I have tried to have a voice for over 4 years regarding Klug. I am a former police officer with the City of Minot, something I was so proud of. Unfortunately that changed in 2020, due to Klug.

I would absolutely love to sit and speak with you, talk on the phone, or exchange emails so I can finally tell someone other than my family what happened. What Klug did not only affected myself, but also affected my family. It went beyond, or rather below professional and was downright immoral.

I do hope I get the chance to at least provide my side of the event(s).

My cell is [redacted]

Thank you again,

Kevin Cory.

From: Jason Bambenek
Sent: Tuesday, September 17, 2024 6:15 AM
To: Harold Stewart
Subject: Re: John Klug- pending investigation

Thank you for the immediate response. I want to be thorough with the information I bring forward. I will not bring any allegations without facts and sources. I am heading to Iowa tomorrow morning. I will follow up with a date to meet in the next couple weeks.

Thanks

Jason

Minot Police Department

Sergeant Jason Bambenek

From: Harold Stewart <harold.stewart@minotnd.gov>
Sent: Tuesday, September 17, 2024 8:02:52 AM
To: Jason Bambenek <jason.bambenek@minotnd.gov>
Subject: Re: John Klug- pending investigation

Sgt. Bambenek,

Thank you for reaching out. I would be happy to listen to whatever you are willing to share. To answer your two questions, yes I would continue the investigation if Chief Klug was no longer Chief of the department. Given what I am hearing I am committed to identifying and resolving the challenges the department is experiencing. Secondly, yes I am aware of the 2023 evaluation issues. I do believe performance evaluations are critical to having a healthy organization, however, with the current concerns of retaliation and lack of trust I believe committing to not doing them this year will help members of the department feel more comfortable opening up about their concerns.

Let me know when you would like to meet.

Harold

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From: Jason Bambenek <jason.bambenek@minotnd.gov>
Sent: Tuesday, September 17, 2024 12:27 AM
To: Harold Stewart <harold.stewart@minotnd.gov>
Subject: John Klug- pending investigation

Mr. Harold Stewart-City Manager of Minot,

I am Jason Bambenek a patrol sergeant currently assigned to night shift. I have been with the agency for just under 20 years and have been in law enforcement for 25 years.

I am writing a short email in regard to wanting to meet with someone prior to this investigation being completed.

I will compile everything on paper and then will direct my discussion to that as a starting point to make sure I don't miss anything pertinent.

One question I have is if John Klug was to separate for any reason, will the investigation be completed regardless?

While I believe the investigation is a good start, from my perspective the problems that have evolved around the police department run deeper than him.

Last, I have a comment. You mentioned that evaluations will be on hold for the near future for 2024 until investigation is complete. I may mis-speak here; however, most if not the complete patrol division has received an evaluation for 2023. As a patrol supervisor we completed our tasks for the evaluations in early December of 2023. I was surprised no-one brought this up at last week's meeting during Q & A.

I am aware that the investigations division received their evaluations in a timely manner. There're absolutely no circumstances that this can be acceptable. Captain Justin Sundheim is the Operations Commander. **Mr. Stewart are you aware of this flagrant mishap?**

Thanks for your time,

Jason Bambenek

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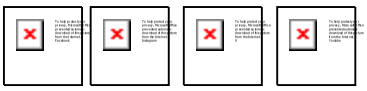

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From: Anna Schraeder
Sent: Monday, September 23, 2024 5:36 AM
To: Harold Stewart
Subject: FW: Voicemail Message (C POLKOSNIK > Anna Schraeder) From:2142446521
Attachments: MSG00187.WAV

Harold,
This gentleman has some information on the investigation. 214-244-6521 C. Polkosnik Anna -----Original Message-----
From: C POLKOSNIK <voicemail@minotnd.org>
Sent: Friday, September 20, 2024 5:08 PM
To: Anna Schraeder <anna.schraeder@minotnd.gov>
Subject: Voicemail Message (C POLKOSNIK > Anna Schraeder) From:2142446521

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From: Potential Spam <voicemail@minotnd.org>
Sent: Friday, September 13, 2024 12:22 PM
To: Harold Stewart
Subject: Voicemail Message (Potential Spam > Harold Stewart) From:7018398008
Attachments: MSG00020.WAV

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POLICE CHIEF

DEPARTMENT:	Police	**REPORTS TO:**	**City Manager**
FLSA STATUS:	Exempt	**DIRECT REPORTS:**	Police Staff
PAY GRADE:	90	**DATE REVISED:**	4/1/2019

NATURE OF WORK

This is advanced law enforcement and administrative work involving the prevention, detection and investigation of criminal acts, the apprehension and arrest of law violators, and the safeguarding of lives and property. Work is performed under the executive direction of the City Manager. The employee provides managerial direction to all employees of the Police Department, Communications (Minot Central Dispatch) and Municipal Court administrative staff.

ESSENTIAL FUNCTIONS OF WORK (May not include all of the duties performed.)

Plans, organizes and directs the programs and activities of the police department; meets regularly with City Manager to discuss department issues and problems; conducts meetings with management personnel; monitors progress of assigned work.

Develops and implements goals, objectives, and policies for the department; reviews reports and operations, makes assignments, and ensures the application of effective law enforcement practices and procedures.

Prepares the annual budget and work plan for the department; projects equipment and operational needs; obtains budgetary recommendations from division personnel. Assures that all grants the department receives are properly managed and administered.

Plans, organizes, coordinates, prioritizes, assigns and evaluates the work of captains and other employees in the Police Department; reviews performance evaluations of all department personnel; conducts or directs internal investigations and takes disciplinary measures when necessary in accordance with the City of Minot code of ordinances, city employee manual and Minot Police Department policy manual.

Assures department cooperation with local, state and federal law enforcement agencies in the apprehension and detention of wanted persons. Cooperates and fosters good relationships with other city departments where police activities are concerned.

Makes or directs presentations to community groups; meets with civic groups and community organizations to promote crime prevention and gain support for police activities.

Assures proper police and safety standards are maintained; assures work of department is carried out properly and effectively.

Prepares reports, summaries, correspondence related to the work.

Attends a variety of meetings with City Manager, City Council, City Attorney and other city staff on matters related to the Police Department or city management.

Performs other related duties as assigned.

REQUIREMENTS OF WORK

Extensive knowledge of state, federal and local laws.

Extensive knowledge of department policies, procedures, rules and regulations.

Extensive knowledge of effective law enforcement practices, methods, procedures and standards.

Extensive knowledge of city administrative policies, procedures, and ordinances.

Thorough knowledge of police equipment operation and maintenance.

Thorough knowledge of safety standards and precautions pertaining to the use and operation of police equipment and to law enforcement.

Thorough knowledge of effective managerial and administrative practices, methods, and processes.

Ability to plan, organize, prioritized, coordinate, assign and evaluate the work of all department staff.

Ability to prepare detailed and accurate reports.

Ability to communicate effectively, both orally and in writing.

Ability to deal courteously and authoritatively with the public.

Ability to establish and maintain effective working relationships with other city employees, other law enforcement and public safety agencies, emergency management agencies, the media and the general public.

Ability to use police related equipment as needed.

Ability to operate a motor vehicle.

Ability to perform enforcement duties as needed.

Ability to analyze situations quickly and objectively and to determine proper courses of action.

Ability to perform 24-hour standby duty for police emergencies in the City.

DESIRED MINIMUM TRAINING AND EXPERIENCE

Possession of a bachelor's degree in criminal justice or related field and 10 years of progressively responsible police management experience; or any equivalent combination of training and experience.

Successful completion of police management course(s) such as: FBI National Academy, Southern Police Institute Police Command or Northwestern Center for Public Safety – School of Police Staff and Command.

NECESSARY SPECIAL REQUIREMENTS

Possession of a valid North Dakota driver's license. Possession of or ability to obtain a valid North Dakota Peace Officer's license. Must be bondable and insurable. Must pass department medical exam.

PHYSICAL REQUIREMENTS

While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to stand; walk; use hands to finger, handle or feel; and reach with hands and arms.
The employee is occasionally required to sit; climb or balance; and stoop, kneel, crouch or crawl. The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and ability to adjust focus.

Clark Hill

MEMORANDUM

TO: Harold Stewart

FROM: Yvette Heintzelman

DATE: December 16, 2024

CLIENT MATTER: City of Minot, ND

SUBJECT: Supplemental Notes to Investigation Report

On November 13, 2024, I submitted an investigation report which included a summary of the interviews I or Lidia Koelbel had with individuals as part of the investigation.

In the original report, there was a section entitled "Interviews of Current and Former Employees of the Police Department and Dispatch." This section was a non-verbatim summary of the interviews. This section was included because the summaries were subject to disclosure under the interpretation of the transparency laws in the State of North Dakota. These were not verbatim statements but summaries of the substance of the discussions.[1]

After submission of the report, several individuals addressed what they described as errors in or desired clarifications of certain information they disclosed in their respective interviews and**,** upon the invitation of the City Manager, delivered to the City supplements and/or corrections to the summaries of their interviews. Those submissions are attached to this memorandum. I have reviewed the submissions. They do not require revisions to the substance of the report or the recommendations.

To the extent any changes should be made, those changes are as follows:

Sean Christie summary: Margaret told Casey Visocsky that Nicole was pregnant. Nicole is married to Andrew Mathieson, not Casey Visocsky. Changed the husband's name to Andrew Mathieson.

Chief John Klug summary: Add the word "not" to Chief Klug's summary, i.e. Chief Klug did not complete his one-on-one interviews.

Jenna Bjork summary: Remove her comments regarding Jesse Miller and Brittany

Amanda Wright summary: Remove Deputy Van Pelt's name from the report.

Encl.

[1] The disclosure laws also required disclosure of the underlying information 75 days after the complaint was filed on August 26, 2024. Clark Hill was hired on September 27, 2024.

From: Sean Christie <sean.christie@minotnd.gov>
Sent: Friday, November 22, 2024 8:07 PM
To: Harold Stewart
Subject: Report Inaccuracies

Harold, just following up on what I brought up at the meeting this morning, regarding not trusting the investigator. I know I hadn't seen the report, but now that it is out, I read my own interview summary, and it is almost completely wrong. Obviously, the way I was treated in that meeting caused me to believe that would be the case, which is what I was trying to say. I appreciate you putting yourself out there in front of us all, for what was obviously very tough news to deliver. And I respect that you wanted me to give it a chance.

To make this easier, I'll include a summary of what it was reported I said, vs what I actually did. I'll put my own corrections in bold. There are some glaring factual differences. I will not be reading the rest of the report, because I cannot trust what was said, and I don't want it to color my impressions of coworkers or command staff. (Incidentally, I have heard from several others that were interviews, and they are all very distraught over the inaccuracies in their own statements).

Sean Christie On October 2, 2024, Heintzelman interviewed Sean Christie. Christie is a dispatcher who began working for the City in 2023. (**I started in 2013. Maybe this was a typo)** Christie believes there have been issues in the Dispatch Department that have existed for a long time. He has been a dispatcher for eight years and believes that he "is the reason the dispatch continues to operate." **(I have been a dispatcher for 11 ½ years, and a Lead Dispatcher for 8)** By that, he means that there is a lot of dissatisfaction in the department, particularly concerning the 12-hour shifts and how many people they have lost since COVID. **(Those were among my issues, but not even close to the most important, so the 'particularly' immediately skews what I was saying)** The current PSAP leader is Margaret Haugen who, he believes is not good at her position. He describes her as a cartoon supervillain, who is completely untrustworthy and lies to the dispatchers. Because she's untrustworthy, she causes a lot of problems between the dispatchers. By way of example, he recalled the situation with a dispatcher who is not adhering to the dress code. Another dispatcher reported it to Margaret and rather than behaving like a supervisor and correcting the dispatcher's attire, Margaret identified the dispatcher that made the complaint. This resulted in animosity between the two dispatchers. **(This is almost completely wrong, so I have to give the entire story - Jackie Lausch came in on an overtime shift on a weekend. She mentioned to me that her pants weren't in dress code, but Margaret authorized it. I honestly wouldn't have noticed, and it didn't bother me anyway, so I just said "sounds good". The next week I had a meeting with Margaret, and she brought up casually that Nicole Rivera complained about Jackie being out of dress code. I was shocked, because that was very out of character for Nicole. I said I would talk to her about it. Margaret immediately backtracked and said that, well, she didn't complain, but she glared at Jackie, and Jackie could tell she was going to complain, so she came to Margaret first. I replied asking why it was being brought up, since there was no complaint? She said that there only wasn't a complaint because Jackie saw it first. The next time Jackie and I worked together, I asked Jackie about the situation. She said she was also wanting to talk to me, because Margaret told her I complained about her being out of dress code. Jackie was very hurt, because she didn't understand why I wouldn't just talk to her when she brought it up, and why I couldn't just talk to her, since I was a lead. I was shocked, as I definitely didn't complain, and would have just talked to her if I had an issue. After talking with Nicole, she said that not only did she not complain,**

she hadn't noticed Jackie wasn't in dress code, and couldn't have cared less, even if she would have noticed. The entire story was fabricated, and seemed designed to cause an issue where one didn't exist). Christie says that Margaret has no sense of confidentiality. She talks to one dispatcher about another lead dispatcher which creates animosity between the individuals. Sean, Beth, Lacie, and Shanlya all work four 12-hour shifts. They all believe that Margaret talks to everyone about everybody else. The dispatchers have a deal among themselves. They will always confirm with the actual dispatcher when Margaret says somebody made a comment or complaint. They are high-pressure jobs that are subject to tribalism. It's easy to create fractions amongst the departments.

He believes that Margaret uses gossip as a way manage the department on a daily basis . He doesn't think that discipline is being handled correctly. One of the more egregious situations is with Nicole. She came from Orange County Florida and had six years of experience. Margaret hired her and was very supportive. Nicole became pregnant with a new boyfriend and wanted to switch days. She told Margaret, but said that she did not want the issue of her pregnancy to spread around the department. Nicole was asking to switch days to handle her pregnancy. That same day, Margaret told Christy that Nicole was pregnant. She also told other people in the apartment that Nicole was pregnant. Nicole married one of the deputies, Casey Visocsky. Margaret told Casey that Nicole was pregnant. Nicole was only in her second trimester. Nicole was very upset about Margaret's breach of confidentiality. Ultimately, Nicole received an apology email from Margaret, but no meeting. This is after Nicole complained to Sundheim about Margaret disclosing her private information. **(This, again, is almost totally incorrect, so I have to expand quite a bit. Nicole discovered she was pregnant while working night shift with myself and Ashleigh Lonis. She did not have many physical symptoms associated with pregnancy, but could not physically stay awake past 1 or 2 AM. There was an open day/afternoon position at the time, which I was going to move to, since no one else wanted it. Nicole and I talked, and decided it would be a great option for her. We were both very concerned bringing it to Margaret, because of previous confidentiality issues, but it was necessary. I talked to Margaret that morning and advised her of the situation (the opposite of what the report says). She seemed very understanding, and approved the move immediately. Nicole talked to her, either later that day or the next, and was moved to the other shift. It was made VERY clear that Nicole wanted this to be private information. She was in her second month, not second trimester. She was still very much in the danger zone where most miscarriages can occur, and she didn't want the pregnancy becoming common knowledge, in case the worst happened. Margaret agreed, but immediately disregarded that. During the next week, she told deputy Casey Visocsky, dispatcher Jackie Lausch, and dispatcher Lacie Bjertness. None of whom had any reason to know, and none of whom asked. Margaret never even admitted to telling Jackie and Lacie, even when she 'apologized'. Also, Nicole was dating deputy Andrew Mathieson, the father of the baby. She did not marry Visocsky. She married Mathieson earlier THIS year, and I'm pretty sure I am accurate in that, as she is my real life best friend, and I was a part of the wedding)**

Christie says everybody talks to him. All 10 dispatchers say they have problems with Margaret. The dispatch center is very broken. Margaret reports to Sundheim and every dispatcher reports to Margaret. Recently, she sent a big email to everyone appreciating everyone and trying to check in, because her office should be a safe place where people can come and talk to her. The dispatchers had difficulty taking her seriously because of her past behavior. He said that they did a 360 evaluation online, but she got the results. **(This wasn't a complaint from me, she was supposed to get the results, it was the whole point)** She received no discipline for all of the complaints against her. Chief Klug has been coming to dispatch to try and address some of the issues. Chief Klug takes the lead in meetings starting in 2023.

Ultimately, Christie spoke with Sundheim after the meeting who indicated that they need to know everything that is going on in the department. It has gotten better. **(It absolutely has not, and I never said this. I said that she improved for about 3 months after the 360, and appeared genuinely interested in changing. But she went back to how she used to be, and things were worse in dispatch than they had ever been)** Margaret needed a wake-up call. Margaret is doing okay on the administrative part of the job and they have hired another individual to manage personnel issues. He believes that Margaret got her job because of politics, because she has been there so long.

They are so short-staffed on the dayshift. They have 37 agencies for which they dispatch Police and Fire and take and dispatch calls. Christie was coming in on his days off to cover for dispatchers taking lunch. He is no longer able to come in on overtime to cover for lunch. **(This leaves out extremely relevent information, and the only reason for bringing it up. I don't have a problem with the fast that sometimes we don't get lunches, it's the nature of the job. However, the other night shift hadn't been able to take any breaks at all, due to being short handed. I got approval from Margaret to come in on my off days to work for 1-2 hours so they could take lunches (the extra time was for travel to home, plus time getting logged in/out and other delays). After a couple months, Margaret told me that Captain Sundheim said I could no longer get paid overtime for this, because it was way over budget. I did not speak with Captain Sundheim, but this was a blatant lie, as he has never been concerned with budget to that point, and is focused on doing what is needed. Margaret said I was only allowed to gain Comp time for the lunch coverage. I had no interest in that, as I wasn't even able to use my existing bank of vacation, due to coverage shortages. I told her I was just going to volunteer my time. This continued for a couple of years, during which I worked 350-400 hours of unpaid time to assist other dispatchers. Margaret aware of this the entire time. I did not track these hours, so that is only an approximate).**

From other interviews, I learned that dispatchers are allowed to take lunch and breaks, but they cannot leave the building. If they need to leave the building and go somewhere, they need to take paid time off. If they are going for a walk around the building, they take a radio and return if it is an emergency. The latter incident does not require PTO time. A dispatcher is allowed to go to a restaurant and pick up lunch for those who are working and want to order lunch without using PTO. Dispatchers are only required to punch out when they leave for extended periods which should not occur as they should schedule their errands on days that they are not working to avoid extended lunches and leaving the building.

Sean Christie
Minot Central Dispatch, Lead Dispatcher

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From: Harold Stewart <harold.stewart@minotnd.gov>
Sent: Monday, November 25, 2024 12:25 PM
To: Mikayla McWilliams; Stefanie Stalheim; Lisa Jundt
Cc: Heintzelman, Yvette
Subject: RE: External Investigator Report Error

[External Message]

Including Yvette.

Harold

From: Mikayla McWilliams <mikayla.mcwilliams@minotnd.gov>
Sent: Monday, November 25, 2024 12:18 PM
To: Harold Stewart <harold.stewart@minotnd.gov>; Stefanie Stalheim <stefanie.stalheim@minotnd.gov>; Lisa Jundt <lisa.jundt@minotnd.gov>
Subject: FW: External Investigator Report Error

Thank you,

Mikayla McWilliams
City of Minot, City Clerk
Office Phone: 701-857-4752

Members of Governing Body: In order to avoid inadvertent open meeting violations, please refrain from hitting "Reply All" with questions or comments relating to any public business. Any discussion (email, text message, telephone call, in-person, etc.) regarding public business between members establishing a quorum of any committee or of the full council constitutes a "meeting" under North Dakota open meeting law and requires prior notice of the date, time, location, and agenda topics to be discussed.

From: Christopher Redmann <credmann@crlawbismarck.com>
Sent: Monday, November 25, 2024 12:16 PM
To: Heintzelman, Yvette <yheintzelman@clarkhill.com>
Cc: Mikayla McWilliams <mikayla.mcwilliams@minotnd.gov>; Olivia German <OGerman@crlawbismarck.com>
Subject: External Investigator Report Error

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Yvette,

I was retained by ND Trooper Casey Visocsky who used to work at the County as a deputy. He was incorrectly listed in the report as having sex with a woman (Nicole) and marrying her, which is patently incorrect. This has caused quite some stir at his house and with his wife.

We believe you confused him with Andrew Mathieson. This correction needs to be made ASAP.

Let me know if this needs anything further. Please confirm when this is corrected on the City's hyperlinked document.

Chris

Chris Redmann | Attorney
crlawbismarck.com
(701) 893-2149

*Mobile Communication

He believes that Margaret uses gossip as a way manage the department on a daily basis . He doesn't think that discipline is being handled correctly. One of the more egregious situations is with Nicole. She came from Orange County Florida and had six years of experience. Margaret hired her and was very supportive. Nicole became pregnant with a new boyfriend and wanted to switch days. She told Margaret, but said that she did not want the issue of her pregnancy to spread around the department. Nicole was asking to switch days to handle her pregnancy. That same day, Margaret told Christy that Nicole was pregnant. She also told other people in the apartment that Nicole was pregnant. Nicole married one of the deputies, Casey Visocsky. Margaret told Casey that Nicole was pregnant. Nicole was only in her second trimester. Nicole was very upset about Margaret's breach of confidentiality. Ultimately, Nicole received an apology email from Margaret, but no meeting. This is after Nicole complained to Sundheim about Margaret disclosing her private information.

November 23rd 2024

To who it may concern;

My name is Jesse Miller, I am a current resident of Minot, as well as a previous employee of the Minot Fire Department. I resigned from the City Fire Dept. April of 2022 to pursue employment elsewhere. Recently I was made aware of an investigation being opened on the City of Minot Police Chief. On November 22nd 2024 I was told that I was mentioned in the official report found on the City of Minot public website where I am referred to as Jenna Bjorks 'firefighter boyfriend'. The purpose of this letter is to deny the claim made by Jenna Bjork, who I had been in a relationship with from 2018-2021.

The claim I am refuting with this letter can be found on page 107 of the memorandum released pertaining to the investigation, in the last paragraph on the page. The statement I am addressing from said report, writes that I had sexual relations with another city employee, Brittany Thurston/Rust while I was in a relationship with Ms. Bjork. This statement made by Ms. Bjork is not true. The relationship between Brittany and I has been chaste from the beginning dating prior to my employment with the City of Minot and my time in a relationship with Jenna Bjork. During the relationship with Ms. Bjork she had addressed the friendship between Brittany and I multiple times and each time I would assure her nothing romantic or sexual had occurred between Brittany and myself. Each time these accusations were brought to me by Jenna during our relationship, I was belittled, humiliated, called a liar. During arguments between Jenna and I, she had mentioned multiple times to me how no one would believe anything I said because of her status within her career, additionally mentioning her gender and looks alone could get her what she wanted.

I whole heartedly believe the statement made by Ms. Bjork involving Brittany and myself was done so to publicly humiliate and defame Brittany. I have no explanation as to why this claim was made into the report. I do however hope you read this letter and understand this is a false claim made with no evidence, presumably intended to hurt someone, their family, and further spread distrust from the public towards the civil government of Minot North Dakota. Thank you for your time.

Jesse Miller

Minot ND

[redacted]@Gmail.com

From: Harold Stewart <harold.stewart@minotnd.gov>
Sent: Monday, November 25, 2024 5:53 PM
To: Heather Summers
Cc: Heintzelman, Yvette
Subject: RE: Police Department Investigation Concern and Opportunity for Correction

[External Message]

Ms. Summers,

Thank you for sharing your concerns. I also am sensitive to the concerns of retaliation. Before I make the decision regarding if Chief Klug returns, I will extensively review all materials provided in the report, including testimony. This is why I believe it to be imperative we all have confidence in the accuracy of the information provided in the report. As I have stated to all current staff, I will not tolerate any retaliation regarding this matter and will personally review all promotional and disciplinary actions before implementation to ensure retaliation is not occurring.

Harold

From: Heather Summers [redacted]@gmail.com>
Sent: Monday, November 25, 2024 5:39 PM
To: Harold Stewart <harold.stewart@minotnd.gov>
Cc: Heintzelman, Yvette <yheintzelman@clarkhill.com>
Subject: Re: Police Department Investigation Concern and Opportunity for Correction

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Mr. Stewart,

I came forward because so many others after me suffered similar and worse mental health conditions a well as an end due to those conditions.
I am responding to you today because of the fear I have for retaliation, that I am certain many others have a well.
This fear comes from the history of some of these accusations, facts, experiences, and my own personal experiences.
I have seen terminations, demotions, and outright refusal to promote an officer in some cases.
While I know my suggestion of removing the rank of Chief of Police from this individual ultimately falls upon the city counsel members, such as yourself; I urge you all to take a hard look at the interviews attached to that report. I further implore that members like yourself also take a look at the recurring theme of inherent concern addressed by every single individual interviewed.

Thank you for sending this correspondence, I await your final decision on this matter that has impacted all of us.

Respectfully

Heather

Heather Summers

[redacted]@gmail.com

On Mon, Nov 25, 2024, 17:26 Harold Stewart <harold.stewart@minotnd.gov> wrote:

> Thank you for coming forward and participating in the Police Department Investigation. I am emailing you as a participant because I have been made aware many of you, after reading the final report, do not believe the report accurately reflects what you stated during the interview. Given I strongly believe this is a concern needing remedied, I have reached out to Yvette regarding the issue. She has responded that anyone who identifies issues with the summary of their interview can submit a response, and she will review the comments and consider a change to the report. If you have already provided me an email outlining your concerns it has already been forwarded to Yvette for her review. Yvette is copied on this email so you can provide them directly to her if you would like. I would recommend if you have proposed corrections, they be provided as soon as possible so an updated version of the report can be completed.

Harold Stewart, MPA, ICMA-Credentialed

City of Minot, City Manager

Office Phone: 701-857-4750

Mobile Phone: 701-833-3860

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Barbara McPeak

On October 8, 2014, at 1:30 p.m. CT, Koelbel interviewed Barbara McPeak via Zoom. McPeak is a former dispatcher and PSAP Manager. She is now a retired employee. She retired on January 30, 2020, and returned to work for another two years as a dispatcher. She applied for the Assistant PSAP position to handle the training, scheduling, and problems in the dispatch center (training, recruiting, and getting people to position). The first Assistant PSAP was killed in an accident. Second Assistant PSAP, Juana, went back to Bismarck. McPeak has over 30 years in the Police Department and four years as PSAP Manager. And additionally worked approximately 2 years part time.

She retired at 76% at the highest two years by the time she was done with all.

She would come in to cover lunch breaks three to four times during the week, ~~never~~ rarely on the weekends ,for two years, starting a month after she retired. ~~Then she stopped being asked.~~ It had been a while since she had worked and then ~~-~~She went on vacation in November and then came back ~~in November two years later, in 2022,~~ she told Margaret that she felt she (Barb) ~~that Margaret~~ was not doing as well as she should since she was not working very often. Then she quit working part-time.

McPeak applied in May 2024. She feels there was no reason why she should not have gotten the position. She said she wrote the training manual and guides for the Dispatch Center. She wanted to try to help get things back on track and mold someone to be the NEXT Assistant PSAP manager.

She was very disappointed ~~upset~~ that she was not selected for the Assistant PSAP position, Barb was more frustrated in the way she was told she did not get the job. With her years of experience and relationships with the interviewers, having re-written the policy manual and the training manuals, and having the track record of retaining employees she thought the Chief could have had the common courtesy to let her know himself. She went to speak to the councilman, because she felt she should not be treated that way. She is 60 and has a good five years to give. One of the reasons, She thinks she was not hired, because she is female. She now feels that they are trying ~~tried~~ to make every position a male position. She thinks she could have sued, but that is not what she wanted, she wanted the JOB and would still be on the list to be hired for one year if the other PSAP manager did not work out. ~~She was working 12-hour shifts.~~ The interview was not normal, they wanted it to feel ~~felt~~ more like a conversation. They asked 'What can we do to retain employees?" Barb's response was "One of the number one things to do is to fix the 12-hour shifts." She feels no one should work in a dispatch center for 12 hours for mental health reasons and physically it wears on a person after time. They have been working 12 hour shifts since around M

arch of 2020~~sit for 12 hours for mental health and family reasons.~~ If they want to leave the building, they have to take PTO or call in someone for a half hour. The Police Department has to pay overtime every single week for every dispatcher, because of the 12-hour shifts. From a manager's perspective that does not make sense. She understands how ~~How does~~ the budget works. ~~?~~

CLARKHILL\M9214\501629\279417273.v9-11/20/24

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She believes the PSAP Manager gets paid a ridiculous wage. It takes 8-10 months ~~two or three weeks~~ to get to know what is going on in the dispatch room. The Assistant PSAP who was just hired, Wayne, will take forever to get up to speed – eight to ten months, which is how long it takes to train a dispatcher. It would have taken her a 2 or 3 weeks to get up to speed. The pay is $80,000.00. He trained paramedics. So, she feels the cost is being wasted, which bothers her. As a citizen, she sees the money as wasted.

Once you get on the hiring list you stay on the list for one year so if Wayne did not work out then she would hopefully be next. She feels she gave so much to that place. Captain Jason Sundbakken notified her that she did not get it, not Chief Klug. ~~She was told they were going in a different direction~~ Captain Sundbakken said "I just called to let you know where we are at with the Assistant PSAP position, The chief offered the position to another guy so that is where we are at". but Captain Sundbakken was not involved with the hiring process and could not answer any questions about it. She had four letters of recommendation. The letters are included in the documents provided by the City.

Part of the reason she feels she was not hired is that she was friends with Margaret Haugen. Then at one point, she told Margaret she was worried for her when Margaret became PSAP Manager but Margaret made it work. Margaret said that she was concerned about the role reversal over coffee if McPeak was hired as the Assistant PSAP.

Chief Klug took over the day she left. She has known him for 20 to 25 years. He has major integrity issues. One night he got drunk and showed up at her house crying about his first wife. McPeak drove him home and sat with him while he and his wife tried and talked things out. He was good in the lower ranks. You form a bond with these brothers. He never bitched or complained even if he was dispatched to an undesirable call.

She felt Chief Klug "was super pissed" at her, because in the interview she brought up that the long shifts cause the customer service level to go down. She has been ~~She used to be~~ friends with Chief Klug. She feels One reason he would not want McPeak back is that she has a voice. He would have been concerned that she would have found out about the "bs" that was going on in the Police Department. She could not believe some of the stuff that

happened at the Police Department. She would find out from everyone else. She never had any firsthand problems with him. But as soon as he got the Chief position it went to his head. She later believed that he didn't care if she applied for the position or not.

An SRO officer told her that she should have gotten the position. She feels that once she was not hired the camaraderie changed, because they all felt she should have gotten the position. McPeak expressed that there are many issues with the dispatch team from top to bottom. The reasons follow: Margaret could not make a decision; people are negative towards her because she is always answering only to Chief Klug and Captain Justin Sundheim and not standing up for the dispatchers. For example: The move to the new Dispatch Center. The setup is awkward. Everyone faces the wall. Captain Sundheim's answer that it was for ADA compliance did not make McPeak happy, there were other options for the layout. The dispatchers can hardly talk to each other. The administration did not ask any dispatcher for input when the room was set up. When the old Dispatch Center was upgraded, they asked dispatcher's opinions. The Dispatch Center is in the basement. Cannot even go outside and walk around the building. No sunlight at all. If you are a smoker, you cannot go outside.

Margaret does not come out of her office to give people their lunch. If they do not bring lunch, they do not eat lunch. ~~Margaret changed the dispatch system~~. She did have a lot on her plate.

One of the dispatchers, Lacie, was involved in an accident on an ATV and she dropped the injured person off at the hospital and left. She was eventually arrested. Lacie applied for Assistant PSAP as well. When

former dispatcher Amanda was fired or asked to resign, her facebook post about the investigation ~~she~~ had valid points about Margaret violating HIPAA and talking badly about dispatchers. But Amanda had her issues herself. ~~Another dispatcher said her brother died and it was a lie to get time off.~~ (this statement was not relevant to this point at all.)

There is no concern for the health and welfare of the dispatchers and zero regard for them being good employees. She is worried for the physical and mental health of the dispatchers. She never wants them to have to go through what she did with her mental health after taking ~~She took~~ a suicide call of her own cousin. Never got emotional on the phone, and handled the call but weeks later when received a call about a little ~~boy~~ girl home alone way out in the country she completely broke down after the call due to [redacted], and had to take an extended leave.

Margaret says there is nothing she can do. (No idea what the previous statement is referring to) McPeak's people wanted to work for her. She never said you have to find your coverage. McPeak says she treated people like people instead of just a number in a box.

If you have never been a dispatcher, you don't get it. Currently, no one can take a vacation. Everyone is so negative. During her time, McPeak did not have it that bad, because it was a different management. She realizes life is different now. During COVID, they locked down dispatch. But even after the pandemic, they kept the door locked. Causing some segregation of dispatchers and officers.

Kristin Guerton

On October 28, 2024, Heintzelman spoke to Kristin Guerton. Guerton has 8.5 years with the Police Department. She has been a detective for the past two (six) years.

When she heard about Chief Klug's desire to move people to other shifts, she had a conversation with Captain Dale Plessas and Lt. Darren Dyke. They told her that she would not be moved and that she could stay in the investigations division as long as she wanted to stay there (Until I burn out or I chose to promote). She indicated that she considered participating in the promotion process, but she does not the trust process. She is concerned that there is a lack of consistency in the training of patrol officers in that the reports that come to investigations and the affidavits that are submitted for warrants are, at times, poorly written, i.e. missing the elements of the crime, or a cut and paste from the police report which affects the effectiveness of the prosecutions. She also believes that there is no consistency in the FTO training. She is concerned that with hiring issues that the department is experiencing, the department is more lenient in passing an officer through the FTO program. Previously Shannon Lackey was responsible for the FTO program, and she was tough. Now, Captain Sundbakken supervises Caisee Sandusky who is responsible for the FTO program.

From her perspective, people are not being held accountable. Sergeant Greg Johnson works in investigations. He does not know how to draft a warrant or investigate a case. There are cases of domestic violence and sexual assault that he has let sit on his desk. When she went on maternity leave, her duties fell on Stephanie Lentz to handle. When she returned, she picked up a "gnarly stalking case" that Sgt. Johnson was not working up. (I case was brought to my attention by the victim. I am unsure how the victim received my information but she felt as though her case was not being addressed. I then had to dig into the case which was discovered to not have been touched by Greg in over a month. With stalking cases, they can not sit stagnant for that long, it allows the suspect to have the upper hand. I continually had to discuss issues I encountered with Lt. Dyke regarding Greg's involvement or lack of on this case – I did not pick the case up because I knew if I did, I would be giving into the laziness. However the bigger picture is the fact that the victims are affected by the lack of investigation into this very large case.)

No one uses Greg Johnson, because he is lazy and has not been held accountable for his performance. Everyone, including Lt. Darren Dyke, go to Sgt. Shane Johnson, because he gives feedback and offers help. Greg Johnson is a nice guy and no one wants to hurt him (hurt his feelings), but he is not pulling his weight. She recounted a situation where they were executing an arrest warrant in a homicide case and Sgt. Greg Johnson went over the radio and asked what case they were executing the warrant on (he asked what the arrest warrant was for). A supervisor that cannot do an officer's job and does not carry their weight is a problem for the department. There are five Investigators, two Sergeants, one Lieutenant and one Captain in the Investigations Department.

She was concerned that the ADP process wanted her to input her evaluation of the supervisor before her evaluation is done.

Guerton was on a search warrant when she was pregnant. During the execution of the search warrant at the end of 2023 at the Henderson Residence, Sgt. Gary (Greg) Johnson stood at the doorway and watched everyone work. Erin Bonney, who has worked at few a police departments. She moved to the east coast. She spoke her mind about Greg Johnson in her exit interview. A lot of people feel bad

because he is a nice guy, but he is not pulling his weight. (I believe I also spoke about the exit interview process and how there is no consistency – how some are distributed throughout the department and how some are never seen by anyone – and how it is conducted by the IA division within the department and not HR) The entire point of speaking about my direct supervisor in this manner is the fact that it is a clear leadership issue.

Guerton believes that there is a morale issue, because some people not carrying their weight. She believes there are inconsistencies in holding people accountable. By way of example, she believes the supervisor should read an affidavit before notarizing the affidavit. She does not think all supervisors read the affidavits, because sometimes she will get them and they are a "copy and paste" of the officer's report with a lot of unnecessary information in the affidavit.

There was a Uniform Committee established to review the beard policy and other uniform issues. They "busted their asses" working on the policy. Cole Strandemo did a ton of research for the policy that was presented. It addressed uniforms, hair, hats, etc. They were all passionate about it and it gave the officers a chance to participate in the process. They are not working on it anymore and it has fallen by the wayside. Guerton said that "No shave November" went into December and carried through April. A day before May 1, when people would be required to shave, everyone was asking what was happening with the approval for the Uniform Policy. No one knew and nothing was implemented by the Chief after all the officers put in all that work. It is a morale issue. It did not cost the Department any money and the officers all worked hard and received no answer from Chief Klug with no explanation as to why there was no response.

As a result of the recent officer-involved shooting, Acting Chief Plessas sat down with every shift and explained what the process was for the investigation. He also read the victims' wife's response to a post on Minot Whiners and Complainers that attempted to criticize the police in their response. It was very well received.

She said Chief Klug is on the ND Post Board. She feels comfortable talking to Chief Klug, but there is a lack of communication in other areas. She suggested that I review Erin Bonney's exit interview. Lt. Haug and Lt. McLeod do exit interviews for the Police Department.

Harold Stewart

On October 16th, 2024, Koelbel and Heintzelman spoke to Harold Stewart regarding this investigation. Stewart has been the City Manager for the City of Minot ND since the week after Christmas 2020. City Council appointed Chief Klug before COVID. Stewart was not involved in that process.

Stewart indicates that council members have been historically approached by patrol officers who want to provide information to the elected officials after they have not received a satisfactory answer from the Administration. They do not use the grievance or complaint procedure. He was not involved in the hiring decision for Klug as Chief and the information that is out there is a mix of truth, rumor and speculation. He has told council members who heard concerns to have the people ~~to~~ come talk to him directly if they have specific issues they want to address, they should come and talk to him, but no one has come to talk to him directly. In Stewart's perspective, since the alleged incidents regarding Chief Klug's current wife and alcohol use, he's been investigated and disciplined. He was promoted five times since then and he's been performing satisfactorily. If there is some new issue, Stewart will investigate it.

All of these issues, predate Fuller and Samuelson. There ~~was a~~has been conversations regarding the need for a new police station. Both Fuller and Samuelson have stated they believe it is a higher priority ~~held up that process because they want~~ to take care of these morale issues first, and then potentially address the facility needs.

On August 26, 2024, Fuller and Samuelson came to him to discuss the morale problems. Stewart told them that the information previously provided ~~they were providing~~ happened in the past, had already been investigated and disciplined. If there is something new then he would address it.

Also during the week of August 26th Stefanie Stalheim asked Stewart if he had heard anything regarding drugs going missing in the PD. Stewart stated he had not. Stalheim stated her Assistant Attorney Corbin Dickerson had been approached by Brittany Thurston in HR while at a swimming event regarding hearing drugs had gone missing at the PD.

Formatted: Superscript

On September 4, 2024 Stewart received a text message from Stefanie Stalheim at 5:40pm stating a meeting had been scheduled the following morning at 8m with Chief Klug, Fuller, Monica Porter (from HR) him, and Stefanie. ~~Fuller came back and said that he had new information, because he has been meeting and talking to people about what was going on at the Police Department~~. In the meeting Fuller~~'s~~ stated he had heard information ~~was~~ that Officer Batteiger had slept with a domestic violence victim and that he had lost 15.7 grams of heroin. This information was new to Stewart.

Stewart was very disappointed that Fuller ~~and Samuelson~~ had this information, but Chief Klug had not brought it to his attention. Stewart has repeatedly told his management team that bad things are going to happen and there are things that we'll need to deal with and they need to let him know what is happening. Stewart would rather hear it from them directly than from another source. Once a month, they have a one on one meeting where the department heads can update Stewart and give information regarding personnel issues and other matters. The department heads are however free to contact Stewart at any time to discuss an issue that's going on in their department.

By way of example, when COVID began, the Chief said that no one should go into dispatch unless they're working there. A couple of officers shared their codes to get into the door to dispatch. Then, during the investigation, one of the officers lied about it and was fired. For that incident, Stewart was kept advised. Concerning the heroin issue, Chief Klug did not advise him of that situation when it occurred. Chief Klug had told Stewart there was a personal matter he was addressing with a K9 officer, that he was working with HR, and he believed he was going to remove the K9 from the officer This is not the first time Stewart has managed a Police Department. They are siloed and protective of their own and they don't want to interact either with the administration or the Human Resources Department. Klug has been inconsistent with notification. If there is an officer hurt or injured or an officer-involved shooting or a shooting in a bar, there is an update and they reach a consensus about how to handle the situation the next day. But concerning personnel matters, Chief Klug does not provide the same updated information. Captain Plessas has been much better about keeping Stewart updated. The City has a grievance process which ultimately comes to him but it is not utilized much.

Stewart works with Chief Klug on the budget process. It has been very adversarial at times. Chief Klug was having difficulty working with Stewart. He would blow up at ~~the meetings~~Stewart via email and then come back and apologize. Stewart believes that Klug would talk to his wife about having a good relationship with the administration and that's when he would come back and apologize. He had a very tough time when he was having personal problems and his behavior was very inconsistent. This time period spanned the loss of Officer Blanchard and Asst. PSAP Petersen-Ness.

Stewart does not think the leadership in the department and communication is where it needs to be. The three~~wo~~ Captains are Sundheim, Plessas, and Sundbakken. Sundbakken has been with the department for a long time and is a nice guy, but he ~~isn't perceived by the department as a strong leader~~~~does not have the qualities of management~~. He ~~does not seem to exercise leadership or direction. He's far more task-oriented.~~is good at implementing decisions and directives of the Chief and the leadership team.

Before being promoted to Acting Chief, Stewart did not have much interaction with Plessas. He recalled a meeting between Chief Klug, Plessas, Sundbakken, and Sundheim where they wanted a new position as a public information officer. Officer Moss was ~~supposed to be~~ the community outreach person at the time, and Stewart questioned the need for an additional PIO if they already had Moss ~~but they were not getting sufficient bang for their buck from his performance.~~ The Fire Department also needed a Public Information Officer. Stewart told Klug and the captains that he could not ~~get~~ justify additional personnel for their department, however he could support having one additional Community or Public Information Officer that could specialize in supporting~~for~~ both the Police Department and the Fire Department~~, and other city departments~~but report to the City's PIO team. They became very adversarial including Plessas. None of them could understand that he was on their side and trying to do the best he could for them, but the organization was limited in its~~his capabilities~~financial capacity. There was no reason that one person couldn't support both the Fire Department and the Police Department as a Public Information Officer. Maybe the following year, they could increase the budget for that position depending on how the position functions. Since that time, Plessas has stepped up and done a nice job in the Acting Chief position. He has been far more supportive and communicative. He shares his position and once a decision is made

he will execute it. Stewart did not get that kind of performance and response from Chief Klug. Plessas appears to have the trust of the department.

Sundheim is extremely defensive of Chief Klug and himself. He gets pretty heated at times and this has concerned Stewart at times.~~is not impressed with his leadership capabilities.~~ Sundheim was involved in the ~~development~~ design and construction of the dispatch center. This was new to everyone that participated in the process but Sundheim made it harder than it needed to be, based on feedback from other City Staff involved in the process. He believes that Sundheim is perceived by officers as more of a dictator than a leader.

Stewart is aware of an issue concerning creating a grooming policy so that the officers could have beards year-round. A committee was established and a grooming policy was created, but it has not been implemented. Stewart thinks this is a problem because the Chief has not executed on the policy or told the department that he was not going to accept their policy.

Stewart provided an example of how he has approached similar situations with Staff and the organization. Stewart recently ~~has~~ made policy changes converting from vacation leave and sick leaves to the PTO policy, which was based on staff input after several meetings with staff and the management team. He expected that his department heads would talk to their personnel and bring any concerns to him that were expressed by the officers. That was done and he implemented some of the ideas he received.

Klug's reaction to a new issue depends upon what mood he's in and whether he agrees with it. Stewart has had to tell him directly that he will do certain things. It has been difficult working with him on budget issues . He has been slow to come to the bigger picture of being ~~a manager~~part of the management team and looking at the entire organization. Klug's focus is on the Police Department and while he advocates strongly for the Police Department he has a hard time prioritizing his needs. By way of example, Chief Klug pushed hard for this Public Information Officer position, but they also needed more dispatchers that year. Stewart thought the dispatchers were more important than the public information officer. Similarly, he asked for other positions such as a forensic technician who works on computer files. In Stewart's opinion, he would have prioritized the forensic technician over the PIO. Sometimes he questions Chief Klug's logic and judgment.

Chief Klug knew the Assistant PSAP Manager who died in the motorcycle accident shortly after being hired. He also took some personal blame on the Blanchard situation. He was slow to get help for himself even though he advised officers to go to the EAP program. He believed Chief Klug's lashing out was a result of these deaths.

Another situation occurred concerning the vet clinic that provides shelter for the stray animals~~dogs~~ that they pick up. Animal services falls under the responsibility of the Chief.~~Stewart told Chief Klug that he should make sure he has other options in case the clinic can no longer handle the stray animals.~~ Renewing the contract in a previous year was delayed, late, and ultimately renewed after the contract expired. ~~Chief Klug did not do so and this year~~During the spring/summer of 2024~~,~~ the vet clinic told the Chief Klug~~ity~~ that it would no longer provide shelter for the strays after the end of the year. ~~Now Chief Klug is struggling to find an alternate location on short notice.~~Despite the advance notice Stewart was not aware of any progress by Chief Klug on the process to identify a new provider/partner for animal services.

Over the years Stewart has talked to Chief Klug about the fact that the command staff works Monday through Friday 8:00 to 4:00. He asked him when the last time was that he visited a night shift or came in on the weekends. He has not been disciplined for his performance. It is Stewart's position that the City should not go back and discipline Chief Klug for incidents that occurred many years ago, particularly since he assumes that they have disciplined for those behaviors. Stewart believes that there is much more team building and training that Chief Klug needs to do in Dispatch. He has informed Stewart of some of those issues but there is more for Chief Klug to do.

On October 2, 2024, Heintzelman interviewed Jared Foley.

Foley was promoted to Sergeant in July 2019. He is currently the Sergeant responsible for the Records Department, which includes being the Evidence Custodian. Before moving into Records, he was on the patrol shift for ~~eight~~ **12** years. In December 2022, he was ~~on patrol and loved his job. Thereafter, Chief Klug moved him~~ **interviewed, selected for and reassigned to** the Records division. In Records, he's in the station five days a week and always around the administration.

Foley is not a fan of how the administration is running the department. He believes that they never make **timely** decisions and their thought process is inconsistent. He thinks that ideas go down the hallway and die, because they never hear anything back. The person responsible for the Records Department before him was ~~not efficient and there was a big mess to clean up.~~ **assigned several extra duties that took away from proper management of the evidence department, leading to a back log of evidence.** They use LERMS for records management. Foley has been going through cases **and** conducted a massive cleanup and a massive push for categorizing evidence and destruction of evidence that is no longer needed. He was provided with three days of training working with the former Sergeant in Records. He also took a 14-hour **online training** course with the International Association of Property and Evidence. This is an association for **training** evidence custodians. In July, he took **an additional** 1**6** hours of **online** training on the chain of custody **process for managing the property room.** ~~issues and how evidence is handled in the City of Minot~~. They use Lexipol for the management of their property room. Lexipol is an entity that provides rules and regulations for police departments and other agencies. ~~They conducted~~ An audit **of the property room was previously conducted** in 2018. ~~when Kenton was moved to the position of SRO~~. There ~~is another officer~~ **were several different officers who were** ~~is~~ on temporary light duty **and assigned to records prior to Foleys selection to include, Belinda Gladback, Aaron Moss and** Carrie Stanfield (Petersen)**, who** also worked in the Records Department with Foley for a year. **At one point, Stanfield (Peterson)** applied for the open position in Records, but was not given it. Instead, the position of the records officer was given to a Senior Officer. ~~The department is also hiring another officer to work in the back as well.~~ Foley claims he inherited a total mess in the ~~Records Division~~ **Property and Evidence Room**.

There has not been a formal audit of evidence since 2018, **even though it has been discussed numerous time**. He cleaned up and organized the ~~Records Department~~ **Property and Evidence rooms** and came up with ideas consistent with what he had ~~learned~~ **received training on** to make **applicable** changes. By way of example, he needed shelving units. They cost $800. He made the request several months ago with no response. He brought it up several times. ~~The Chief~~ **Captain Sundbakken** gave him an answer similar to "I don't wanna rob Peter to pay Paul." Foley found some shelves that were not being used so after making several requests, he simply took them cleaned them up, and began using them in the evidence room. Several weeks go by and Chief Klug notices that Foley moved the shelves. ~~Chief Klug~~ **Captain Sundbakken** said that he told Foley not to take the shelves and that ~~he~~ (Chief) would get back to him (Foley). As a result, he received a letter of counseling for **insubordination for** moving the shelves into the ~~intake room of the~~ **Evidence Locker.** Another suggestion was to move evidence processing outside the ~~evidence room~~ **evidence intake room to** ~~near~~ the ~~digital evidence technician~~ **evidence work stations** and to put the heat sealer out there so that it would be easier for the officers to process evidence. He wrote a proposal and it was sent to the Chief's office and it died there. Foley says that he's a young sergeant who has ideas about how work may flow better but he keeps getting shut down.

He said he participates in Tuesday meetings with the administration. There's a lot of small talk back and forth and questions about what he~~'s~~ **and others are working on**. He does not believe it is productive. ~~Four~~ **Two** months ago, he received discipline with a day off because during his attempts to auction off unclaimed property, two bicycles in evidence were **inadvertently** sold. ~~He auctioned one off, but was able to recover it. The other one the department paid for.~~ **The owner of the bicycles was reimbursed by the City for one bike and the other bike was replaced with another bicycle that was to be auctioned off.** It was simply a mistake, because he didn't have enough help, as he was working the auction himself with four adults and seven juveniles from the cadet program. He feels that the discipline was unfair, because he didn't have enough help during the first time through the process and did the best he could. **Foley drafted and created a department operations manual for the property and evidence section to avoid errors in future auctions and upon completion received little to no feedback on the task other than "looks good".**

He also said that the administration does not attend **community** events. There is a suicide prevention walk called "Out of the Darkness". No administrative personnel showed up for that walk this year. ~~There was also an issue with coffee with a cop.~~ **During this most recent "Coffe with a Cop" event,** the Acting Chief Plessas and **Captains Sundheim and Sundbakken** attended. ~~He also participated in drafting the wellness program. The City Attorney reviewed it and thought they did a good job. However, it has not been implemented.~~ ← (This was not part of my interview)

There have also been efforts made by the patrol officers on the uniform policy and a beard policy. They worked on the uniform policy two years ago and still nothing has been implemented. Foley said he did have a one-on-one meeting with Chief Klug. He thinks Chief Klug had meetings with three people. Even though, he wanted to get to know everyone. The one-on-one meetings were stopped, because Chief Klug had family issues. ~~Only three or four sergeants go to the administrative meetings, even though all sergeants were supposed to attend these meetings.~~ ← (This was not part of my interview)

At the **weekly administration** meetings, the ~~administration~~ **meetings** focused on things like *signs for parking in front of the new retaining wall, as opposed to things that are affecting morale.* ← (I don't recall where this was going but we discuss several things during weekly meetings that ultimately don't have conclusions or outcomes to.) He believes that the morale issues are more important and are affecting service. For example, the failure to **complete and** implement the beard policy and the continuing the prohibition of beards for officers **potentially** results in ~~p~~ good candidates ~~not applying for~~ **overlooking** open positions.

Jenna Hurt Koelbel interviewed Jenna Hurt on October 15, 2024, at 6:00 p.m. CT.

She started in dispatch in August 2012 and until December 2023. She was a Lead. They had been working on policies for dispatch separate from the Police Department. Never got them officially established. She was injured in April of 2022 on her way to work during a 42 inch blizzard She broke her wrist in two places and went to work. Instead of saying thank you for still coming in all Margaret said when overhearing me talk to an officer about what happened was "No one told you, you had to be here" She had surgery and after two weeks was back to work on light duty. She could not type fast to take calls. So, she spent two weeks working on the processes that the former PSAP started regarding the dress code, updating information from former Chief Olson to Chief Klug and creating policies for the new phone system and programs. She submitted it to Margaret then it sat on Captain Sundheim's desk. There is no follow-up or follow through. Kept following up with Captain Sundheim, who said he would check with Chief Klug. People were late all the time. She followed up on employees stealing time. By the time they looked into it, it was recorded over. Margaret should be right there being investigated with Chief Klug. She created such a hostile work environment. She would pit them against each other. Went to Captain Sundheim and the 360 eval happened, but then there was no follow-up. Margaret got better for a bit and then nothing changed. Scheduling was taken away from her, because her scheduling made people mad and she was creating more animosity by the way she would hold the schedule over people's heads. Jenna started to make the schedule. Jenna was told to cut overtime. People complained to Margaret and instead of admitting she told me to do something she would not be supportive, say it's what everyone wanted and would say bad things about Jenna. It appears that one can be arrested at work in dispatch and still have a job there. Captain Sundheim was the Shift Commander and Jenna used to have amazing respect for him. FBI model for chain of command was created and dispatch was placed under Captain Sundheim, so he had dispatch and patrol which in my opinion is too many people to have under one captain when you don't have a strong enough leader leading a department. There were meetings with the Lead team that would be redundant and would go no where we would have meetings about the same thing over and over with no real solution or resolution to many problems. Margaret on the floor bullied Juana, the second Assistant PSAP. They would openly argue with each other in front of everyone. Tami, the first Assistant PSAP passed away in a motorcycle accident.

Margaret made it impossible. Insane stuff trainees go through. Captain Sundheim and Chief Klug knew about it. They all went to McLeod during exit interviews. They tried for years to get the training program straight. There are no standards. People on the night shift were ~~ignoring calls~~ not doing their job and watching TV. Nothing ever happened to them. There was inconsistency in discipline. Towards the end of my employment we were having weekly, then monthly meetings during which Chief Klug said: I don't even know why you are here if you are so miserable. Jenna knew then and there that nothing was going to change. There was no sense in going to Margaret. Anything you went to her with, the entire department would know. They started fact-checking with each other based on the lies that Margaret spread. The Center is terrible for mental health. They were promised treadmills and an exercise room. They made such a big deal about mental health after Pat's suicide. Everything went right back to how it was and no one cared. The solution they provided was three

fancy TV screens that were supposed to be their windows. It was supposed to be this grand center. Safety in general was not looked at. They asked for five spots to be lit up in the parking lot. They said they would install lights and security cameras after the City Hall personnel moved in. An officer was beaten up by homeless people in the parking garage we are expected to walk to, there was blood and needles in the alley shortly after we moved in, we did not feel safe. Margaret is a yes-woman. During the five or six years in which Margaret led the team it was a horrible situation. She is grossly underqualified. She had the most time of all of them. Cari Stiel applied for the position and some external applicants. There was inconsistency and a lack of leadership. ~~It was already not an ideal~~ It was already a tough job and situation but then with Margaret it went downhill. At the end of the day, McPeak and I may have had our differences but at least had their backs. Jenna left her pension and took a pay cut just to get out of there. She misses the officers, She still keeps in touch with many old coworkers, recently ran into one who mentioned he was moved to investigations and with everyone leaving ~~and his badge number~~ when they do another number crunch, he will be 413 because so many officers left. ~~He is an investigator.~~ Mental health was not a priority for the department even before Pat's suicide. Not one person came in to check on her and Sami the next morning 4 hours after being woken up to a friend, colleague had just committed suicide. They worked on the same shift for eight years. Jenna works at the advocacy center now. People ask if she would ever go back. At the end of the day, the damage is done. She is trying to make it better for the ones that remain. They tried to figure out how to stop people from leaving. Margaret asked for scheduling ideas when she had no intention of implementing anything again just creating animosity between employees and delaying the process and dragging stuff out unnecessarily. Emails were catty and condescending , stupid things like evaluations, she had them complete them themselves and would add a little word here and there. She never jumped on to assist, especially when they worked 12-hour shifts with no breaks. She and Jackie worked 12-hour shifts every day by themselves the first two years of COVID. Before they would get weekends off every six months. At least with the 12 hours, they got every other weekend off. People at night worked a different rotation. It was always the same people helping with overtime. Some PTO rules may have been illegal. I heard that Shanlya figured out that they were not being properly paid through Covid, but the response was that they may end up owing the City money instead.

Retention speaks volumes. Chloe left two weeks before Jenna left. Molly Schoen left right after she did. Molly and her leaving would have improved morale she was told. They were very vocal about all the issues in dispatch. Chief did not take ownership of the things he kept allowing to happen. Margaret continued to bully Juana so she was job hunting before I even left in December and I don't blame her ~~Margaret said when Jenna was leaving that she was sorry she bullied Jenna~~. Margaret always said out with the old and in with the new. She had stated multiple times she wished she could fire a lot of people and start over.

Foley said he did have a one-on-one meeting with Chief Klug. He thinks Chief Klug had meetings with three *people. Even though, he wanted to get to know everyone. The one-on-one meetings were stopped, because Chief Klug had family issues.*

Only three or four sergeants go to the administrative meetings, even though all sergeants were supposed to attend these meetings. At the meetings, the administration focused on things like signs for parking in front of the new retaining wall, as opposed to things that are affecting morale. He believes that the morale issues are more important and are affecting service. For example, the failure to implement the beard policy and the continuing the prohibition of beards for officers results in p good candidates not applying for open positions.

Sara Kiss

On October 2, 2024, Heintzelman spoke with Sarah Kiss. Kiss was trained on the department's personnel policies and passed her probationary period in June 2023.

Kiss had an altercation with another female officer named Becker. They responded to a call where a female had gone to the hospital, but they could not help her. She was a drug user and was very sick and wasn't eating. They responded to a call for a well-being check. The female was refusing to go to the hospital and Becker threatened the woman by saying something about her kids.

Kiss believe that this was an ethical issue. Sgt. Sandusky told Kiss to report the incident to her supervisor Sergeant Taylor Jensen. They called Sergeant Noyes and they interviewed Kiss. Kiss had detailed notes of what happened. Then the sergeants talked to Becker. Afterward, the Sergeants told Kiss that they would not do anything about it.

Kiss came to work the next day and got in the car with Becker. Becker told Kiss that Kiss should have come to her (Becker), because this is not how we do things here. Becker told Kiss that she (Becker) will not have her (Kiss') back on the road, and once that bridge is burned, nobody will have her (Kiss') back. Kiss spoke to Amanda Somerville who was a friend on her shift. They reviewed the policies and determined that it would be instant termination if Becker failed to back them up. Later, she found out that other issues were going on with Becker and, as a result of those other issues, Becker was moved to dayshift and they worked all of their days together. Kiss was concerned, because Becker said she would be on her own. Becker was put on leave came back to work and then went back on leave. Ultimately, Becker submitted her resignation. Kiss does not know what happened to Becker or if the department ever investigated retaliation against her. Kiss did not report Becker's statements about backing Kiss up to anyone. Kiss believes that it would be good to follow up with the officer and let them know what happened in the investigation.

Otherwise, she is very happy in the department. They checked on her after she had a call with a gunshot victim. Kiss thought that she got the best medical care.

Tyler Ruelle

On October 2, 2024, Heintzelman interviewed Tyler Ruelle. He has been working for the department for 15 years and is currently a Patrol Sergeant, on the SWAT team, and sniper team.

Ruelle doesn't have a lot of interaction with the administration. He is concerned, because they have not yet received their 2023 performance evaluation. That being said, he believes an employee would know if there was an issue with their performance, because the sergeants work closely with the patrol officers. When Chief Klug began working as the Chief, he said he (Klug) would have one-on-one meetings with each of the officers. ~~He was doing them with Lieutenant Haug and Sundheim~~. Ruelle does not see the Chief as he seems to come in late and does not come to any of the shift briefings compared to other chiefs. Ruelle says that it is noticeable. Ruelle is also critical of the 12 to 10 shift, because the department is down on staffing and the individuals that are working that shift are not seeing their Sergeant. They do not have enough personnel to cover the street and the 10 to 12 shift makes it even worse. Ruelle was aware of the situation between Becker and Batteiger. He said that the officers need to be professional when they come to work and they cannot take their issues onto the street. Ruelle said that if they were working on the same side of town, Becker's statements that "I will not cover him" and "if he is on a call, I will not cover him" are not manageable. Any officers can end up on the same side of town working with another officer they may not like. At some point, she was removed from the sniper team and ultimately resigned.

(1) Can't yet give it a fair evaluation without being fully staffed shift.

(2) I was told by Capt. Sundheim that Schoenrock was the elephant in the room.

It has been a weird time after COVID, ~~which is the elephant in the room.~~ He was told that his behavior was being influenced by Sergeant Schoenrock, but the fact of the matter was that COVID had isolated the midnight shift in the patrol division from the administration, and that created the separation and maybe some of the issues.

He recalled the situation with Batteiger at the annual firework show at the fairgrounds. This is an incident where Batteiger was chasing two juveniles on an ATV. The traffic was all backed up going west and he was trying to pursue a four-wheeler down ~~Third~~ Avenue. Ultimately, Batteiger was in the eastbound lane going west. The pursuit was outside of the pursuit policy. Ruelle ~~does not believe~~ Batteiger received any discipline for that pursuit. Another incident occurred when there was a kid on a bike who was hit by a car. Becker, Ruelle, and Batteiger were doing traffic control. It was a hot day and Ruelle told Batteiger to relieve Becker from the traffic control. Becker was getting angrier and angrier as she focused on Batteiger and would not allow him to relieve her. ~~Ultimately, Ruelle relieved her instead of Batteiger~~. However, this created operational issues as the sergeant should not be directing traffic.

(3) individuals (4) 17 yrs (5) is unaware of it (6) I released Becker from the call altogether.

Ruelle is aware of the situation with Pat Blanchard. He was drunk at a party and then heard a call go out for the SWAT team. Blanchard tried to respond to the call leaving the bar. He crashed his car and blew the tire. He drove the car to the Police Department and was in the sallyport trying to change the tire. There were two or three officers there watching him. ~~Ultimately, Shane Haug went over and convinced Blanchard not to change the tire and respond to the call. At this point, people in the department knew that Blanchard needed help with alcohol~~. He does not know what discipline was issued or what help was provided to Blanchard. Blanchard was suspended from the SWAT team. He believes that the DUI for Blanchard was ~~overlooked~~, which in his opinion, is unfair because others may have gotten ~~prison time~~ for the same behavior.

(7) Ruelle confronted Blanchard and directed him to a side room. Ruelle found Haug to address the situation. Haug chose only to address administratively not criminally at that time.

(8) not handled properly by Lt Haug (9) arrested

Ruelle believes that the midnight shift was trying to make a morale problem, fun. They went from three lieutenants to two lieutenants, and the administration was presenting that the department members were all "one shift." This is the same time the Chief created the position of Professional Standards, Lieutenant. There are only two patrol lieutenants, one works the 6 a.m. to 2 p.m. shift and the other works the 10 a.m. to 6 p.m. shift. The night shift does not have a lieutenant. The administration tried to address this issue by saying we were one big shift and we could do this because we are the administration. However, Ruelle believes that if officers have questions, the administration should provide answers. If the

(10) initially, now both work day hours.

Chief is not around, the Captains need to have sufficient information to respond as representatives of the Administration

Ruelle has had conversations with Sundheim where he was seeking information to share it with his shift. The response from Sundheim was that the administration trusted the sergeants to respond to the patrol officers. However, Ruelle didn't have the information to provide. It was like they were saying "We trust you to make the information up" and respond to the officers. Now they have five lieutenants as Dave Chapman was promoted to Lieutenant. He believes some of the Lieutenants are pretty direct but he always thinks something else is going on.

(11) we did not discuss this. Also, I did not receive a low score.

Ruelle believes that patrol officers should get an honest performance evaluation. ~~He believes there needs improvement evaluation on item 8 on his performance evaluation was tied to the "free talk" meeting, which he doesn't believe is appropriate. He was not downgraded in his overall evaluation and does not think he lost pay.~~ He identified the anonymous email that was sent to the media containing a long list of performance issues of the Chief and Captain.

Andrew Roach

On October 2, 2024, Heintzelman interviewed Andrew Roach. Roach has been with the department for 8-1/2 years. Roach has previous experience in other police departments, including the county. He is on the Ward County Task Force. They respond to calls around the state. He has been on the task since January 2024. He has been on the dayshift for one year and was on midnights before then.

Chief Klug took over in 2020 right before COVID. There have always been issues with communication and explaining why we do things the way we do them. By way of example, he put in for a training session in Bismarck, North Dakota. The training was free and he was willing to drive to Bismarck to attend the training. He put in for the training three weeks before the training was scheduled and then followed up with Lieutenant Haug the week before the training. By Thursday or Friday, Roach had not received a response. The Training Captain is Sundbakken. He talked to Sundbakken, who did not take it well and was rude and Roach was upset because it was taking so long to get a response. Sundbakken shut the door and they argued the lack of a response. Roach says that the only time he saw administration is when he was getting off of the midnight shift when they were coming in. He was frustrated in general, because he needed to follow up on the training to get lodging and wanted to know if he was going to be able to go. He got a call from Lieutenant Haug that Sundbakken was upset with the way Roach spoke to him regarding the training. Roach said that conversations are preferable to emails. Later that night, he was told that he was approved to go to the training, but he woke up the next morning to a text that said the training request was denied. Later that night at a briefing, Schoenrock told Roach that he was accused of yelling at Sundbakken. Roach said that he was made to look like a bad guy, but all he wanted was approval for the use of a car and a response to his email. The training was on March 22, 2021. It was called Evidence-based Interview and Interrogation.

From other interviews, I was told that training was curtailed if not eliminated during COVID-19, because of the risk of transmission in large groups. As the administration made the decision not to allow officers to walk into the dispatch center, the denial of training is consistent with that approach for that time.

In 2021, he received his performance evaluation but his Sergeant, Schoenrock, did not write the evaluation even though he saw me every day. Lt. Haug went through the evaluation with Roach and gave him subpar grades. He was told that the midnight shift was cliquey and did not integrate with the other

Good Morning (or Evening) –

I am writing this in response to the investigative report that was released in regards to Chief Klug and the Minot Police Department. I have read through the report extensively and have several concerns in regard to the accuracy of the statements listed under my name and others where I am specifically mentioned. As I stated in the interview, I will only address those concerns which I have personal knowledge of or experienced myself. I do have a litany of concerns regarding other statements, but I will allow those officers to address their concerns individually. These concerns are based around the statements listed in the report itself and the way I was attempting to convey them as I do not believe this was achieved in the final report.

1) The first issue I would like to address is listed on page 40 under former Officer Aaron Moss' statement regarding my radio issue. Paragraph 6 highlights the concerns Moss had for my radio issue prior to the incident outlined later in the report. The statement is worded as if I had only went to Moss to report this issue, which is factually untrue. I had reported this issue to the administration no less than four different times and Officer Roach also reported this issue with my radio specifically once. In total, the radio issue was reported at least five times prior to the incident occurring with nothing being done about it. Later in the statement, it is listed that no grievance or complaint was filed over the issue. I was never provided any sort of guidance on the grievance procedure and all complaints were to be filed with the chain of command. I absolutely reported this to my chain of command multiple times with no response as stated above.

2) Secondly, in the final statement, in parentheses reads "Later in my interviews, I spoke with Shaide who had the issue, he was able to communicate via his radio and did not use a cell phone". This is factually correct, however; it is worded in such a manner as to convey that I actually had no issue with the radio at all, which is untrue. I attempted to call for help multiple times during the incident and nothing went through. I eventually told Officer Somerville to call 911, throw the phone on the ground and tell dispatch we needed help. This can be corroborated by Shanlya Van Hill, who took the call that morning. The fact of the matter is that the phone call took place PRIOR to any radio traffic going out. I had to gain control of the suspect for just enough time to pull my radio out of the pouch, and manually activate it to get any traffic out whatsoever.

3) The third issue I would like to address is located under my statement on page 53 of the report regarding both the radio incident itself and the process I went through to report the issue. In the second paragraph, it is listed I made a traffic stop for a DUI driver. This is factually incorrect as the incident was NOT a traffic stop. It was originally a traffic complaint that the suspect was later found to have stolen a vehicle and trailer, had multiple felony warrants for his arrest, and fought officers for 7 and a half minutes. The suspect was never charged with DUI. In the next

statement, it is stated that I was extremely vocal and upset about the issue, which is correct; however, there is no context as to why I was as vocal as I was about what I felt was a legitimate officer safety concern that could affect anyone else in the department. This context would come from the fact that this issue was reported no less than 5 separate times to the administration by Officer Roach and I (as stated under issue #1). This information is not contained in the original report and leads the reader to believe that I was angry about a momentary malfunction of equipment rather than an issue that had been reported and could have been fixed several times over prior to the incident occurring. I had informed you that I had reported this issue to both Lt. Haug and Lt. Chapman. You later stated that my issue lied with Haug and not Sundheim. Which made it all the more surprising that this information was left out of the report completely and only states that I did not identify who I made the complaint with. This also contradicts your earlier statement in Moss' report that no complaints were made in regards to this issue.

4) The last issue(s) I would like to address is in regards to the 2nd to final paragraph of the report that outlines discipline. At no point did I state that due to these two instances alone did I believe there was inconsistent discipline. This paragraph simply leads the reader to believe that I had some sort of grudge against the discipline being levied against me, which is false. I never received a two day suspension for the plow incident. I received a suspension in 2024 for tossing a cell phone onto the dashboard of one of the patrol cars and the phone bounced, damaging the windshield. The context I was attempting to convey is that when I received the suspension, I was told I was showing a pattern of conduct. I had three previous incidents prior to this over the course of approximately 3 years. I have been a patrol officer for approximately 7 years and have had 4 incidents that were documented. At an average rate of less than one incident per year, I do not believe this constitutes a pattern of conduct.

5) I provided you a copy of my yearly eval which was also provided to you by Officers Roach and Hugg. I read Officer Roach's eval and it is the exact same wording as I had on mine. This has seemed to come out after Captain Sundheim called a meeting implying officers were allowed to "speak freely". I was one of the officers who vocally brought up concerns regarding the department. I have never been graded that low prior to that year and taking into consideration the "dislike" – for lack of a better term – for nightshift at the time, led me to believe that this was an attempt to silence dissent within the department rather than taking on issues that may be causing the breakdown between nightshift and the administration. This information was also left completely off the final report.

Thank you for your prompt attention to this matter.

Master Officer Kristian Shaide 428/8044

From: Harold Stewart <harold.stewart@minotnd.gov>
Sent: Friday, November 29, 2024 9:25 AM
To: Heintzelman, Yvette
Subject: FW: Police Department Investigation Concern and Opportunity for Correction

[External Message]

From: Jason Bambenek <jason.bambenek@minotnd.gov>
Sent: Friday, November 29, 2024 7:03 AM
To: Harold Stewart <harold.stewart@minotnd.gov>
Subject: Re: Police Department Investigation Concern and Opportunity for Correction

I would like Charlsie Burud's name stricken out from my summary. Her name was simply provided to follow up if needed with the pattern McLeod's poor judgement. The summary in my mind makes it appear that this behavior is currently happening. This was 6-8 years ago like originally reported. Outside the examples that I felt they weren't needed due to the magnitude of the recent investigation into McLeod appeared to be swept under the rug.

I stated that an investigation would reveal that McLeod showed deception on the polygraph test. I stated that it's unfortunate that people have lost their job when they lied to the Chief but the minute, they show deception on a polygraph where there's serious allegations a person is allowed to still be in law enforcement. In my mind with McLeod being employed as a police officer that HR, or the city attorneys had no idea of these allegations and/or the nature of an internal investigation if it actually took place.

The recent case involving McLeod is what makes it weird for me to work with him.

There were other errors in my summary however I don't believe they are catastrophic or change anything. Such as Dana Rustebakke is Valley City Police officer, and Marcie Pfeifer as alleged victim/reporting party in rape case. I said Jason Sundbakken is horrendous at training, but in all fairness, I provided several examples. I also stated that Robbie Sumlin's as a position is not needed as he doesn't supervise anyone as he is a sergeant. I didn't say he doesn't do his job.

Thank you,

Jason Bambenek

From: Harold Stewart <harold.stewart@minotnd.gov>
Sent: Monday, November 25, 2024 5:26 PM
Cc: Heintzelman, Yvette <yheintzelman@clarkhill.com>
Subject: Police Department Investigation Concern and Opportunity for Correction

Thank you for coming forward and participating in the Police Department Investigation. I am emailing you as a participant because I have been made aware many of you, after reading the final report, do not believe the report

accurately reflects what you stated during the interview. Given I strongly believe this is a concern needing remedied, I have reached out to Yvette regarding the issue. She has responded that anyone who identifies issues with the summary of their interview can submit a response, and she will review the comments and consider a change to the report. If you have already provided me an email outlining your concerns it has already been forwarded to Yvette for her review. Yvette is copied on this email so you can provide them directly to her if you would like. I would recommend if you have proposed corrections, they be provided as soon as possible so an updated version of the report can be completed.

Harold Stewart, MPA, ICMA-Credentialed
City of Minot, City Manager
Office Phone: 701-857-4750
Mobile Phone: 701-833-3860

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“Hugg did not identify what concerns either he or anyone else from the night shift raised other than Schoenrock’s contention that he should have been promoted over Dyke.”

I do not recall stating this during our meeting or during the “free talk” meeting with Sundheim.

“Hugg describes the situation where former officer Blanchard was at a bachelor party and became intoxicated.”

It was a 30th Birthday Party for Officer Bloyer.

“Blanchard was on the SWAT team and received a call out while at the party.”

Former Officer Blanchard had responded from his own residence, as he had left the party earlier in the evening.

“He does not believe Blanchard received any discipline for this situation.”

I don’t believe I would have said that, as I know that Officer Blanchard received a suspension from the SWAT team.

“Hugg does not believe that Pappenfus or Haug will be promoted past Lieutenant This is an interesting perspective since Chief Klug promoted Pappenfus to Sergeant and Lt. Haug is now in charge of Professional Standards.”

I believe what I told you was that I was given my performance evaluation from Pappenfus and Haug. Where in that performance evaluation they told me that I would not promote based on category 8.

“Hugg is not involved in discipline or investigations, but believes that in 2021 and 2022, there were issues concerning McLeod’s conduct but nothing was done about it.”

I do not recall making any statements about McLeod's conduct in 21 or 22 but I did bring up that he was on administrative leave for approximately 6 months in 2024 for a criminal investigation into a sexual offense.

"He said that they, but did not identify the "they" did not believe that Sommerville, Laudenschlager, or Wilk got a fair shake regarding the discipline they received."

I am unsure of why you would add Laudenschlager's name into this as I recall he resigned on his own accord. I remember making statements that both Sommerville and Wilk lied and one was terminated while one was just suspended and I believed that is unfair.

"Hugg does not understand some of the decisions that are made. His schedule would change in June. He talked to Lieutenant Wegner and talked to Sundheim about staying on the midnight shift."

What I believe I said was that Officers plan their lives around their full year's schedule that we receive in December the previous year. But in 2024, shortly before June we were told that the schedule was changing in June and that they will try an accommodate peoples personal schedules. My "new" schedule was the opposite of my "old" schedule. This change now made it so I had to work the day of my wedding which was in the end of June. My wedding day was known in the department, shortly before the schedule came out Sundheim and myself spoke about the wedding. When I came in to speak about it, I was told that I would have my wedding off but if I wasn't able to get another officer to switch schedules with me I would have to take PTO to cover my already planned personal schedule. The total of hours I would have needed to take was an extra 80 hours of PTO. I did however get the officer that was on my "old" days to switch schedules with me so it never did end up changing. The officer that switched with me was the next officer under me in seniority. This other officer that switched with me also got his "old" days. With me and the other Officer being next to each other on the shift seniority list and our schedules being flipped, it was clear to me they did not care about how the change would affect us. I have also been on dayshift since 2022 and it was not changed to the 12-10 shit with this change.

Amanda Wright Koelbel interviewed Amanda Wright via Zoom on October 9, 2024, at 2:00 p.m. CT. She worked as a dispatcher from 2017 to 2020. She was forced to resign by Chief Klug in July 2020. Chief Olson had just retired, and Chief Klug was just starting. There was a hit-and-run on Broadway in front of the Taco Bell. She was told to answer a call from Margaret's console, so she did not have her equipment on hand (was working on a phone and a dead console with no computer or radio, information had to be relayed to another dispatcher to pass on the radio while there was many calls due to the accident.) The call was from a gentleman asking questions about the accident which she was unable to provide. No documentation of the call was able to be done since Amanda did not have a working console. Initially Sundbakken brought Amanda in and listened to the call with her. He provided a letter that was added into her file because the caller was actually the hit and run driver and there was no documentation of the call. Sundbakken told Amanda things like this happen. He even told her she was a good dispatcher and he was not concerned. He had confidence in her as a call taker. This was her first and only job performance coaching. Two weeks later Chief Klug called Amanda back in and she was placed on administrative leave, everyone in the department was forbidden from speaking with her, and she was under investigation. She was suffering from [redacted] . Amanda was working four ten-hour shifts on the overnight shift. She was not sleeping, the environment was tense and abrasive with other staff, and she felt entirely unsupported by her supervisor. A year later she was reading the resignation paperwork and it listed two incidents: a warrant that was not removed from LMS, and a medical call received in error. She deviated from instructions from the card, warrants should not be missed ever but, sometimes their removal is busy work or passed on to the next shift. After resigning, Amanda found out Margaret told co-workers that Amanda claimed mental health issues, but Margaret "knows others with real mental health issues and there is no way she has them, it's an excuse". Amanda feels that confidential medical information as well as anything said in a closed door meeting with her supervisor and the Chief should've stayed behind that closed door. Prior to the investigation Amanda had attempted to utilize the department EAP program. Amanda was unaware that Chief's wife was one of the therapists and scheduled an appointment with the Village in an attempt to get some support. When she arrived at the appointment she was assigned to Maggie Bohannon who pointed at a picture of Chief and asked Amanda if she was comfortable with her being her therapist as she was the Chief's spouse. Amanda was not, she took the recommendations for other therapists and got on a waiting a list. Amanda felt it was unprofessional and intimidating to be placed in that scenario and she wondered how many other dispatchers and officers had needed to talk to someone and ended up in the same office.

During COVID, she was dating one of the deputies, but keeping it quiet. The deputy got COVID. So, she called in since she had to isolate. She shared with Margaret that she was dating this deputy to establish that she did not go out of the directives of no large or unnecessary gatherings that had been passed down from chief. **Please redact Deputy Van Pelts Name, he was murdered on Christmas Eve and his girlfriend was injured. I've had a few people reach out to me thinking I was the injured party. Out of respect for them and their families his name should not appear as it has nothing to do with him.**"Margaret subsequently shared with everyone that she was dating the deputy and had COVID. Again, sharing confidential medical information and information that was shared in a private meeting. Amanda had gone to Margaret multiple times about struggles in the center, morale, and attempted to speak with her seriously in her review. The response she received was Margaret relaying information of hard times she's had personally in the past and her saying

scheduling changes were coming and they'd figure it out. When Amanda was pulled into Chief's office Margaret stated she knew nothing of the struggles Amanda had in dispatch and made it sound like she would make every effort to look into the issues and make scheduling adjustments as need.

Prior to PSAP Manager, Margaret was her trainer. Margaret's behavior was not what you would expect of a trainer or leader. She often exceeded the allotted break times and spent time working on personal crafts or visiting with officers in and out of dispatch. Some nights she'd give the trainee's crossword puzzles or other busy work because she wasn't in the mood to train. She once told a domestic violence victim that "if your cell phone dies, you can still call 911." When McPeak was there it was a lot better. Night and day difference atmosphere-wise.

For lunches and breaks, people used to come in to cover breaks that may not have been paid – Sean and Shanlya. When two people were on shift that was how they used to get a break. You make more mistakes when you are exhausted and stressed, Amanda did not work excessive overtime because of this but did work many 2 person shifts and was unable to leave the center for the entirety of the shift. M E M O R A N D U M P A G E 9 3 CLARKHILL\M9214\501629\279417273.v9-11/20/24 Amanda found the work in dispatch to be incredibly rewarding in itself but the environment and leadership made it a draining position that did not foster an environment of support of stability. There were very few incident debriefs that were held during her time there and when they were had they made it inaccessible. If you work nights you would have to come in in the middle of the day and still return on time for your evening shift. There were several coworkers who would chastise the other staff for attending. Day shift would have to find someone from another shift to cover so they were able to attend. It would've been helpful to have multiple meetings so everyone could attend and receive support. There were also several DUI's during Amanda's employment. 2 in dispatch that were handled completely differently. One of the employees had been in trouble legally prior and the other had not but, the one who hadn't received a graver punishment. Amanda feels there is a precedent of breaches in confidentiality and repeat disregard for mental health. The department has had 2 suicides in less than 3 years and Amanda wonders if more could have been done for Blanchard and Watne.

Andrew S Roach

Master Officer Minot Police Department

Time at Minot Police Department: 8 ½ Years

Time At other Police Departments: 0

Investigation Correction

To: Yvette Heintzelman

In March of 2021 I put in for a training called Evidence based interview and interrogation in Bismarck ND. The training was set to take place on March 22nd , 2021. During this time I was assigned to the night shift. At this time (though covid was still going on) Officers were being sent to trainings on a case by case basis. I had put in my training request approximately two to three weeks prior to the training. The training did require lodging. Approximately a week and a half prior to the training I spoke with Lt. Haug and asked him if the training request had been either approved or denied. He had informed me that he had not heard by in regard to the training from the captains or Chief Klug. Lt. Haug informed me that he would inquire about the training.

A week later (approximately 3 to 4 days before the training), I had not heard anything about the training. At this point I just needed to know if it was a yes or no as I still had to get lodging if it was approved. I first inquired about the training again with Lt. Haug , who again said he would speak with command staff. I then went into Captain Sundbakken's Office just after 8am to inquire about the training. At this time I was frustrated about the lack of communication and process in general. When I inquired about what was going on with the training I was told to shut the door and to sit down. At this time it was only Captain Sundbakken and I in the room. Like I stated previously at this time I was frustrated. I did have a tone about me. I was first told by Captain Sundbakken that he had "not even had his coffee yet" and then I should not be coming into his Officer the way that I did. During this time I will say I never once yelled at Captain Sundbakken. I came away from the interaction with Captain Sundbakken even more frustrated because how he handled the interaction. To me it appeared that more concerns or my training were not worth his time.

After I left Captain Sundbakken's Office, I changed out and got into my vehicle. While getting into my vehicle I received a phone call from Lt. Haug stating that Chief Klug had approved my training down in Bismarck.

I then woke up around 4 or 5 pm the same day after sleeping to a text message or email from Lt. Haug stating that the training had been denied. This was frustrating to me as I felt like I was being punished for inquiring about the training.

That same night I went to briefing and was told by Sgt. Schoenrock that I had yelled at Captain Sundbakken. I proceeded to ask Sgt. Schoenrock if he was there, he stated that he was not. He informed me that he was told that I yelled at Captain Sundbakken. Like previously stated there were only two people in the room and Captain Plesas Office next door. I informed Sgt. Schoenrock that I did not yell at Captain Sundbakken but felt like I was punished for "yelling at him" without any sort

of investigation or inquiry into the incident. I was never asked about the incident from any other command staff or an internal investigator, yet I was denied a training based on one person's story and punished. The fact that the training was denied is not my issue. My issue was the fact that I appear to have been denied based up on an altercation with captain Sundbakken which was never investigated.

That same year when during end of the year evaluations I was given a negative evaluation in the category of "Ability to work cooperatively with supervision or as part of a team". The evaluation meeting was led by Lt. Haug, but Sgt. Schoenrock was present. Under the comments sections it was written "Officer Roach needs to remember that the night shift is part of a larger teams and needs to improve his demeanor towards administration and other personnel outside of patrol. The total team effort includes all aspects of the department as a whole".

I have never been accused of not working as a team player other than this evaluation. This comment seemed targeted towards the incident that took place with Captain Sundbakken, which again was never inquired about but I was continued to be punished for in an evaluation.

I was then informed by Sgt. Schoenrock that he did my evaluation but stated that it had been changed by someone higher up then him.

As far as the night shift went during this time. We were kind of labeled agitators by the administration. The admin did not like things that we did such as what is being referred to as the "Sammy Sosa Kiss" or "one shift". This was something that we did with every shift in the department and it was not just a "night shift" thing.

In regard to chief Klug, I never received my one on one meeting with him. It was my understanding that the Majority of night shift did not receive a meeting with him. After passing my Master Officer test I also did not receive any sort of promotion ceremony. In fact, I did not receive my Master Officer pins for approximately 2 to 3 months. When I did finally receive them, they were left in my mailbox. It was very common for night shift officers to not receive a promotion ceremony or to receive their pins for weeks if not months after the fact.

During this time there a large amount of communication issued between the administration and the Officers. Chief Klug would implement policy's without any regard for the effect that they would have on Officers and their family. One in particular was the 4 year maximum on an shifts and or special assignments. Investigations roles in particular did not make sense to me. Most detectives don't really start to hit their stride and understand everything that needs to be done on bigger cases until year 3 or 4.

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Breaks are allowed in the employee's room if the employee is working in the Water Maintenance Yard, Shop, Public Works Building, Water Plant, City offices, etc., at the time of break. If the employee is in a mobile unit at break time, the break may be taken at the nearest convenient location, or in the unit. The immediate supervisor has the authority to add other reasonable rules to the above, for the efficiency of the operation and the public image of the department.

Harassment Policy

Statement of Philosophy: It is the policy of the City to provide a positive work environment that is free of discrimination, sexual and all other forms or harassment. This policy is a measure to ensure that all employees will enjoy a safe workplace free from unreasonable interference, intimidation, hostility, or offensive behavior on the part of the council, department heads, supervisors, co-workers or visitors. All employees are responsible for compliance with this guideline, as the City of Minot will not tolerate unlawful discrimination or harassment.

A. It is the City policy that sexual and other unlawful harassment of its employees in any form is prohibited and that all employees shall be treated with respect. Actions, words, jokes or comments based on an individual's sex, race, ethnicity, age, disability, religion, sexual orientation or any other legally protected characteristic shall not be tolerated.
B. Employees have the right, under Section 703 of Title VII of the Federal Civil Rights Act of 1964, to work in an environment that is free of conduct that can be considered sexually harassing or abusive. Any employee who engages in, who perpetuates or condones sexual or other unlawful harassment shall be subject to disciplinary action, up to and including termination.
C. The City, in recognizing its obligation to maintain a place of employment that is free of harassing, abusive, or disruptive conduct shall take positive and prompt corrective action where necessary in accordance with this policy.

Definitions:

Unlawful harassment is defined as verbal or physical behavior which relates to an individual's race, color, national origin, religion, gender, age, sexual orientation and/or disability when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Workplace harassment is defined as any unwelcome conduct, whether, verbal, physical, visual, or innuendos that are derogatory, abusive, disparaging, bullying, threatening or disrespectful types of behavior, even if unrelated to a legally protected status; when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment is defined as any verbal or physical conduct of a sexual nature such as, but not limited to, sex-oriented remarks or jokes, pressures or demands for sexual favors, implied or overt promises or threats, or any unwelcome conduct with sexual or demeaning overtones when:

- Submission to or rejection of such conduct is made, explicitly or implicitly, as a term or condition of employment or advancement;

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- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creates an intimidating, hostile, or sexually offensive working environment.

Unacceptable Conduct Defined: Sexual harassment is a serious offense and is a form of employee misconduct. Sexual harassment does not refer to the occasional non-sexual compliment, but to behavior of a sexual nature that is not welcome, is personally offensive and impairs an employee's work effectiveness or is behavior that creates an intimidating, hostile or offensive work environment.

The following are types of conduct an example of harassment, which are prohibited. These examples do not necessarily represent all ways in which sexual harassment may occur and are not intended to limit the definition of sexual harassment.

A. Verbal comments and gestures of a sexual nature including any suggestive remarks, pictures, jokes and catcalls.
B. Explicit or implicit promises of career advancement or preferential treatment in return for sexual favors. Such promises or preferential treatment may include but are not limited to: hiring, promotion, training opportunities, work schedule, leave approval, performance evaluations and pay increases.
C. Explicit or implicit threats that an employee shall be adversely affected if sexual demands are rejected. Such threats include but are not limited to: lower performance evaluations, denial of promotions, punitive transfers, terminations and altered/increased work assignments.
D. Unsolicited and repeated touching of any kind including: touching, patting or pinching of another person, or repetitive brushing against a person's body.
E. Derogatory remarks about a person's national origin, race, language, accent; disparaging or disrespectful comments.
F. Loud, angry outbursts or loud, angry outbursts of obscenities.

Responsibilities of Employees, Elected Officials, Department Heads and Supervisors:

A. All employees have a responsibility to conduct themselves in a manner, which ensures the proper performance of their job responsibilities and maintains the public's confidence. Employees who experience or witness any type of sexual, workplace or unlawful harassment should follow the steps outlined in the Complaint process to assist in maintaining a workplace environment free of sexual, workplace or unlawful harassment.
B. Department Heads and other department Supervisors have a responsibility to act immediately and take corrective action when they observe behavior that violates this policy. All management representatives must recognize the seriousness and sensitive nature of any sexual, workplace or unlawful harassment complaint brought to their attention and need to follow the procedures outlined in this policy to assist in maintaining a workplace environment free of unlawful discrimination or harassment.

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Complaint Procedures

City Employees or job applicants who perceive they have been subjected to sexual harassment have the right to pursue a grievance including an appeal to the Civil Service Commission pursuant to procedures stated in Sections 24-101 through 24-104 of the City of Minot Code of Ordinances. If unreported the City is severely limited in maintaining a workplace free of sexual or other unlawful workplace harassment. Employees are not required to deal directly with an offending individual(s) in seeking a resolution.

A. An employee who feels that he/she has been subject to sexual, unlawful or workplace harassment should clearly state to the individual that his/her behavior is offensive to them.
B. If you are unable to confront your alleged offender or the behavior persists after confronting the alleged offender, go to your immediate Supervisor who shall immediately notify the Department Head and Human Resources.
C. If the immediate Supervisor is involved in the alleged harassment, the incident should be reported director to the Department Head, who shall immediately notify Human Resources.
D. If the complaint involves the Department Head, the incident should be reported directly to the Human Resource Director and/or the City Manager.
E. If the complaint involves a member of Human Resources, the incident should be reported to the Department Head and/or the City Manager.
F. If the complaint involves the City Manager or a member of the City Council, the incident should be reported directly to the Human Resource Director.
G. The Human Resource Director shall be responsible for conducting an investigation in a fair, prompt and complete manner as outlined in the nature and scope of investigation.

Nature and Scope of Investigation:

- Any investigation of a complaint of sexual, workplace or unlawful harassment shall be limited to an inquiry of the truth or falsity of a specific complaint.
- Interviews of all relevant witnesses will be conducted in confidence to the extent permitted by law, and summaries of witnesses' statements and the investigator findings shall be in writing.
- To the extent permitted by law, investigations shall be conducted in a confidential manner; the knowledge of a pending investigation, nor the contents and/or findings of an investigation will not be shared except with the appropriate parties, or otherwise required by law.
- Persons who are asked to cooperate and participate in a pending investigation shall only be informed that a harassment complaint has been brought and that information being sought from the individual is a necessary part of the investigation. Written contents and findings of investigations are done pursuant to the complaint process and shall be maintained by the Human Resource Department in a secure place. However, it must be noted to all employees, that records of the City are public, except certain confidential records in accordance with NDCC 44-04-18.1.

Discipline

- An employee who is found to have engaged in sexual, workplace or unlawful harassment or retaliation, or who is found to have knowingly condoned, encouraged, or perpetuated an act or acts of sexual, workplace, or unlawful harassment or retaliation, shall be subject to disciplinary

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action: including but not limited to, suspension, loss of salary increment, demotion and termination.

- Any employee who believes they have been unfairly disciplined may follow the City of Minot Grievance Procedure as outlined in the City of Minot Employee Personnel Policy Handbook in Chapter 7.

Dissemination of Policy

Prevention and education are the best tools for the elimination of workplace and sexual harassment. The City will take all steps necessary to prevent harassment in any form from occurring such as:

- Conducting training for Department Heads, Supervisors and Employees to affirmatively raise the subject by reviewing policies, discussing behaviors to be mindful of, and a general awareness of intimidating, hostile, or offensive workplace environments and sexual harassment.
- Informing all City employees of the policy.
- Investigating all claims of harassment, hostile work environment, and/or any unwelcome conduct in a confidential manner.
- Taking appropriate disciplinary action for the prevention of reoccurrence of sexual harassment.

Disciplinary Policy

The Civil Service Commission has implemented the following rules and regulations as they refer to discipline of City employees:

A. Procedural Rule: In all matters of employees' discipline, the employee's rights of due process will be observed. No employee will be subject to punishment for behavior which is not reasonably identified in Section IV as being the sort of behavior which can give rise to disciplinary action.
B. Allowable Disciplinary Punishments: Employees may be subject to any one or more of the following disciplinary punishments in accordance with the rules and regulations authorized under Section IV:
    1. A letter of reprimand to be included in the employee's personnel file (refer to Section 1-12 of the Code of Ordinances);
    2. Special performance evaluation that reflects cause for discipline;
    3. A temporary decrease in pay in an amount not to exceed twenty (20) percent of the amount of gross pay which the employee would be receiving in the absence of disciplinary punishment for a period of time not to exceed one hundred eighty (180) consecutive days;
    4. Suspension without pay;
    5. Lateral Transfer;
    6. Demotion,
    7. Dismissal.

    A lateral transfer for disciplinary reasons may only be made to a pre-existing vacancy and then only in accordance with the following rules:
    1. The pre-existing vacancy is first opened up to all other employees. If, after posting the position vacancy for 10 days there is no application from any employee who is in good standing and who meets the qualifications for the position, then the lateral transfer may be considered.

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2. Both the Department Head of the department from which the lateral transfer is made and the Department Head of the department to which the lateral transfer is made must agree to the lateral transfer.
3. The concerned employee must meet the qualifications for the position to which he or she may be laterally transferred.

C. Appeal: An employee who has been subjected to disciplinary action resulting in the imposition of disciplinary punishment may appeal by following the City of Minot Grievance Procedure.

D. Substantive Regulations: Employees may be subject to any one or more of the disciplinary punishments provided in Section II for the following types of behavior:
1. Misconduct (i.e. the deliberate violation of a City policy set forth in the employee handbook, Civil Service ordinances or departmental rules and regulations).
2. Insubordination (i.e. being unwilling to submit to supervisory authority).
3. Chronic tardiness (i.e. frequently being late to work over a long duration).
4. Unauthorized absence (i.e. not showing up for work without proper approval).
5. Inefficiency, incompetence, or negligence (i.e. being wasteful of time or energy, lacking qualities needed for effective action, or failure to exercise the care that a prudent person usually exercises).
6. Violation of Safety Rules or Procedures for the employee's job, or, violation of safety rules or procedures, that extends to all City Employees.
7. Conviction of a felony.
8. Being under the influence of or use of intoxicating beverages while on duty.
9. Unlawfully manufacturing, distributing, dispensing, possessing, being under the influence of or using a controlled substance on any City of Minot worksite at any time or elsewhere during working hours.
10. Sale or delivery of non-prescription controlled substance.
11. Theft of City property.
12. Willful destruction of City property.
13. Falsification of City records.

(The above are types of behavior. They are not intended to describe specific events or to indicate the seriousness of the offense. The punishments listed in Section II will be applied in relation to the degree of the offense.)

E. Effect on Departmental Rules and Regulations: The Civil Service Commission has approved disciplinary rules and regulations for the Police Department and the Fire Department. Implementation of the foregoing rules and regulations will not supersede any previously adopted rules. If a conflict exists between these rules and previously adopted rules of the Police and Fire Department, the rules of the Police and Fire Department will govern.

Suspension, Demotion, and Dismissal

A procedure for implementing the suspension, demotion or dismissal of officials and employees of the City of Minot for misconduct, inefficiency, and other contributing factors, has been developed by the Civil Service Commission. The procedure consists of an investigation and appeals hearing of the adversely

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affected employee. No employee shall be suspended or discharged without adequate reason and just cause.

Grievance Procedure

The grievance procedure is defined as a procedure whereby any employee who is adversely affected by a decision of his/her immediate Supervisor, Superintendent/Manager or equivalent, or Department Head, may require the decision be reviewed by a person having the authority to reverse the decision. This procedure is as follows:

1. Oral Report: An employee who has a grievance shall first discuss his grievance with his/her immediate Supervisor. If the grievance pertains to a decision made by that Supervisor, the employee may forward the grievance in writing to the next Supervisory level in the department which is generally the Superintendent, Manager or equivalent within the Police and Fire departments.
2. Written Report: The written report must be submitted to the next Supervisory level, as indicated above, within five (5) working days of the initial decision by the immediate Supervisor. Within five (5) working days after receiving a written grievance, the next level of Supervision shall furnish the employee with a written reply to the grievance. If the grievance pertains to a Department Head, the written report must be submitted to the Human Resource Director within five (5) working days of the initial decision.
3. Appeal to Department Head: If the written reply to the grievance is not satisfactory to the employee, he/she may, within ten (10) working days after receiving the reply, submit an appeal in writing to his/her Department Head. The Department Head shall confer with the aggrieved employee and/or his authorized representative and the employee's supervisor before rendering a decision. Such a decision shall be provided in writing and shall be delivered to the aggrieved employee within ten (10) working days of the date on which the appeal was received by the department head.
4. Appeal to Civil Service Commission: If the appeal to the Department Head fails to resolve the grievance, the employee may, within five (5) working days of receipt of decision on the appeal, submit an appeal in writing to the Civil Service Commission. This appeal shall be filed with the Human Resource Office and be referred to the next available meeting of the Civil Service Commission for its review, which shall be final.

Note: The grievance procedure does not apply to: employee terminations related to probationary employment, for just cause or due to a reduction in force; or employee transfers for the good of the service.

MINOT POLICE DEPARTMENT POLICIES RELEVANT SECTIONS

Law Enforcement Code of Ethics

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

Discriminatory Harassment

316.1 POLICY

The Minot Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may or may not violate state or federal law but still could subject a member to discipline.

Meal Periods and Breaks

1011.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible, shall conform to the policy

governing all City employees that has been established by the City Manager.

1011.1.1 MEAL PERIODS

This page contains no comments

Licensed employees and dispatchers shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from Minot Central Dispatch prior to taking a meal period. Uniformed officers shall take their breaks within the City limits and shall monitor their radios unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1011.1.2 15-MINUTE BREAKS

Each employee is entitled to a 15-minute break, near the midpoint, for each four-hour work period. Only one 15-minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call, and shall monitor their radios.

Personnel Complaints

1005.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Minot Police Department. 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.

1005.2 POLICY

The Minot Police Department takes seriously all complaints 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 and state laws, City of Minot ordinances and the City of Minot Employee Manual.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1005.3 PERSONNEL COMPLAINTS

Personnel complaints 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. Personnel complaints may be generated internally or by the public.

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Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1005.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A relatively minor matter in which the supervisor is satisfied that appropriate action has been taken to address the matter.

Formal - A matter in which a supervisor determines that further action may be warranted. Such complaints are generally investigated by a supervisor of rank greater than the accused member.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the supervisor or the Chief of Police, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1005.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(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 their supervisor.
(c) Supervisors shall initiate a complaint 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 complaint.

1005.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1005.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1005.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally,

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either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. In cases of a formal complaint, the supervisor, upon contact with the complainant, shall complete and submit a complaint form to the Chief of Police..

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

1005.5 DOCUMENTATION

Supervisors shall ensure that all formal complaints are documented on a complaint form and forwarded to the Chief of Police. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All received complaint forms will be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. The log will be maintained by the Chief of Police or the authorized designee.

1005.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1005.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or has any personal involvement regarding the alleged misconduct. The Chief of Police may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any complaint, a complaint form is completed.
(b) Responding to all complainants in a courteous and professional manner.
(c) Resolving those personnel complaints that can be resolved immediately.
    a. Follow-up contact with the complainant should be made within a reasonable time frame.
    b. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Professional Standards Lieutenant.
(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Patrol Supervisor and Chief of Police shall be notified as soon as practicable.
(e) Promptly contacting the Division Commander and Chief of Police for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
(f) Investigating a complaint as follows:

a. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
b. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(g) Ensuring that the procedural rights of the accused member are followed.

1005.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

The following applies to employees conducting administrative investigations:

(a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
(b) Unless waived by the employee, interviews of an accused employee shall be at the Minot Police Department or other reasonable and appropriate place.
(c) No more than two interviewers should ask questions of an accused employee.
(d) Prior to any interview, an employee should be informed of the nature of the investigation unless it would jeopardize the investigation.
(e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
(f) No employee should be threatened, nor shall any promises, rewards or other inducements be used to obtain answers.
(g) Any employee 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.
    a. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a Garrity advisement.
(h) The interviewer should record all interviews of employees and witnesses. The employee may also openly record the interview. A copy of that recorded interview should be provided to the employee prior to any subsequent interview upon request.
(i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
(j) All employees shall provide complete and truthful responses to questions posed during interviews.
(k) No employee may be compelled to submit to a deception detection device examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1005.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of formal personnel complaints shall follow this 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.

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Summary - 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 - 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.

Conclusion - A recommendation regarding further action or disposition may be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1005.6.4 DISPOSITIONS

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

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but 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.

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.

1005.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged

misconduct shall proceed with due diligence in an effort to complete the investigation.

1005.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION

The member conducting the investigation should provide the complainant with periodic updates

on the status of the investigation, as appropriate.

1005.6.7 COMPLAINT REGARDING THE USE OF A CONFIDENTIAL INFORMANT

The member conducting the investigation regarding the alleged misuse of a confidential informant in violation of N.D.C.C. § 29-29.5-01 et seq. shall comply with the investigation time frame and notification requirements of N.D.C.C. § 29-29.5-07.

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Anti-Retaliation

1000.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or employment agreement.

1000.2 POLICY

The Minot Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1000.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

1000.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resource Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid

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baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1000.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
(b) Receiving all complaints in a fair and impartial manner.
(c) Documenting the complaint and any steps taken to resolve the problem.
(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
(h) Not interfering with or denying the right of a member to make any complaint.
(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1000.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.
(b) The timely review of complaint investigations.
(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
(d) The timely communication of the outcome to the complainant.

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1000.7 WHISTLE-BLOWING

North Dakota law protects employees who report job-related violations of law, rules, regulations, ordinances, or misuse of public resources in writing to the Chief of Police, State's Attorney, the attorney general, the state auditor, or an employee organization (N.D.C.C. § 34-11.1-04).

Members who believe they have been the subject of reprisal for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Office of Professional Standards for investigation pursuant to the Personnel Complaints Policy.

1000.8 RECORDS RETENTION AND RELEASE

The Chief of Police shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1000.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

ROLE OF THE CHIEF

Sec. 27-40. - Appointment; duties; authority.

The chief of police, who shall be appointed pursuant to chapter 24, shall be responsible for the discipline, operations, and efficiency of the police department, and shall have all authority necessary to that end.

Rev. Gen. Ords. 1962, § 4-1801; Ord. No. 3890, § 2.

ROLE OF THE CITY MANAGER

Sec. 2-47. Duties generally.

The city manager shall be the chief administrative officer and shall:

(a) Be responsible to the city council for the proper administration of all of the affairs of the city;
(b) Prepare and submit to the governing body an annual preliminary budget as provided for under Chapter 40-40, N.D.C.C., and shall be responsible for the administration of the final budget, subject to the control of the city council as to changes in the same;
(c) Be responsible for law enforcement;
(d) Appoint and remove, subject to civil service regulations if in effect, all heads of administrative departments and employees of the city except the city attorney. However, the city manager shall neither appoint nor remove the head of any department without consent and approval of the city council;
(e) Keep the city council advised of the financial condition of the city and make such recommendations as may seem desirable;
(f) Be responsible for the purchase of all supplies, materials and equipment for the operations of the city in accordance with the purchasing policy of the, as established in this chapter; and

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(g) Perform such other duties as are prescribed by this Code or other ordinances of the city, or as may be prescribed from time to time by the city council.

Rev. Gen. Ords. 1962, § 4-0401(1)—(6); Ord. No. 5543, § 1.

State law reference(s)—For similar provisions, see N.D.C.C., § 40-10-06.

ROLE OF THE ELECTED OFFICIALS

From City of Minot Ordinances

Sec. 2-16. - Governing body—Who constitutes.

The governing body of the City of Minot is the city council, which is composed of seven (7) members, one (1) being the mayor and six (6) being aldermen.

(Ord. No. 5133, § 1)

Sec. 2-24. Council committees.

(a) The city council may meet as the committee of the whole, which shall be comprised of the entire governing body, and the council president, or the vice president in the absence of the president, shall preside over the committee of the whole meeting. In the absence of the president and vice president, the member in attendance with the most seniority shall preside over the committee of the whole meeting. The committee of the whole reports its recommendations at the conclusion of its deliberations.
(b) The city council may form such standing and special committees, and refer such matters to such committees, as it deems appropriate.
(c) Notwithstanding the reference of a matter to a committee of the council, and the absence of a report on such matter from the committee, and even if the committee has not yet had time to consider initially such matter, the city council as a whole may take up such matter at its own discretion.
(d) A majority of the members of a committee, including positions on the committee which are vacant, shall constitute a quorum; however, the absence of a quorum shall not prevent the members of the committee appearing at a meeting which has been properly noticed beforehand from informally considering the matters on the committee's agenda, and any other matter which might properly come before the committee if a quorum were present, and from reporting informally to the city council concerning their respective views about such matters.

Ord. No. 5133, § 1.

From North Dakota Century Code

The council shall perform all duties prescribed by law or by city ordinances and shall see that the laws and ordinances are faithfully executed.

N.D. Cent. Code Ann. § 40-04.1-07 (West).

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Title VII Alternate Reporting Procedures

A complaint can be made by a third party, such as a friend, relative, or coworker, and need not be made by the target of the harassment. For example, if an employee witnesses a coworker being subjected to racial epithets by a person at work, and that employee reports it to the appropriate personnel in Human Resources, the employer is on notice of potentially harassing behavior. Similarly, even if no one complains, the employer still has notice if someone responsible for correcting or reporting harassment becomes aware of the harassment, such as by personally witnessing it. Available at https://www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace

See Clark v. United Parcel Serv., Inc., 400 F.3d 341, 350 (6th Cir. 2005) (concluding that the employer had notice of harassment that was witnessed by supervisors with a duty to report it to management, where the employer's anti-harassment policy required "all supervisors and managers" to report such harassment to the appropriate management personnel) (emphasis in original). *Id.* at 349 ("While there is no exact formula for what constitutes a 'reasonable' sexual harassment policy, an effective policy should at least . . . require supervisors to report incidents of sexual harassment.")

INTERVIEWS OF CURRENT AND FORMER EMPLOYEES OF THE POLICE DEPARTMENT AND DISPATCH

The following summarize the statements made by individuals and highlight the concerns expressed to the interviewer. Many individuals had opinions regarding investigations, discipline, resignations but lacked any personal knowledge about what happened and how decisions were made, and by whom. These are not verbatim statements unless quotations are used and there are no recordings of the interviews.[5]

Captain Dale Plessas

On October 1, 2024, Heintzelman interviewed Dale Plessas. Plessas is the Investigations Commander who holds the Civil Service rank of Captain. He has been with the Police Department for 23 years. The rank structure is officer, senior officer, sergeant, lieutenant, captain, and chief of police. Plessas was promoted to the position of Investigations Commander in 2020, the same year by the previous chief, Jason Olson. He describes Olson as a "darn good guy."

John Klug was selected as Chief of Police at the beginning of 2020 and COVID. It was very difficult to manage through COVID. During this time, Chief Klug told everyone to stay out of dispatch because they were so shorthanded and he did not want anyone to get sick. There was a code given to sergeants to get into dispatch. Sgt. Wilk was going into dispatch off duty contrary to Chief Klug's order may have given out the code to other officers who went in off duty. Wilk was interviewed several times and said he did not remember giving out the code. Officers were disciplined and it was determined that Wilk lied during the interview and he was terminated for lying under *Giglio* for doing so. it was an unpopular decision. Allegedly, Chief Klug did not ask the investigating officer before making the disciplinary decision.

As Investigations Commander, Plessas oversees the investigations division, including detectives; task force; bomb squad and crime scene unit, intelligence, and internal investigations. with a new Professional Standards Lieutenant: late 2020. Plessas got the PSL assignment if a lieutenant was under investigation.

[5] Where applicable, an investigation was made into the existence of supporting or contradictory documentation.

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Plessas is aware of the Batteiger situation with the discrepancy in the location of the heroin. He does not believe there is any concern that Batteiger lied or stole the drugs. There is also an issue with Batteiger having a sexual relationship with a domestic violence victim he met at a call.

The Operations Commander is Justin Sundheim and the Administrative Commander is Jason Sundbakken.

Chief Klug has made some very unpopular decisions, such as instituting a policy of transferring people out of specialty assignments after a period of time. There is a memorandum describing the process. Attachment 41.

Plessas discussed the Back the Blue grant program which supports hiring police officers. The police department requires 60 credit hours which is the equivalent of an associate degree. They recruit from Alexandria Tech Academy a technical college, but the hiring and recruiting is done through Human Resources.

I asked about some of the individuals that were identified in Fuller's notes. With respect to Amanda Somerville, Plessas told me that she lied to a supervisor about calling somebody back and she had not done so. When the internal investigation was conducted, she saved herself by telling the truth.

Concerning Shannon Lackey, Sundbakken investigated her off-duty interaction with Jenna Bjork. Shortly, thereafter, there was an issue in a bar which resulted in Lackey resigning.

At some point, the City received anonymous letters regarding Chief Klug's conduct many years ago. This related to alcohol issues.

There was a Center for Public Safety Management study regarding the police department.

There was animosity about moving a particular sergeant off the night shift and onto days. While shift selection is based on seniority, there was some stagnancy in people remaining in the same shift assignment for long periods. Now there is a limit of four years in specialty units or assignments.

Lieutenants must go where they are assigned by the Chief. There was an issue regarding Lt. Scott Redding who worked the night shift. He was injured and worked light duty on the night shift for a long time. At some point, he was told that the Department could no longer provide light duty. That same accommodation was not extended to Steve Kenny, who was on extended sick leave and then resigned/retired. Thereafter, the City made some changes to the benefits policy and created a PTO policy which also created some animosity.

There is a core group of people angry at Chief Klug including Scott Redding, Steve Schoenrock, Anthony Hugg, and Jay Bloyer who were all moved off of nights. There were concerns that the night shift was developing a bad attitude towards the administration and segregating themselves from the rest of the department which was the reason for instituting the rotating shifts.

If he has a criticism of Chief Klug, it would be that he has "analysis paralysis." He wants to make the right decision but in trying to do so, makes no decision. By way of example, Plessas identified the uniform/grooming policy. Chief Klug created a committee to look at the issue, they made recommendations, but Chief Klug did not follow through and accept or implement any policy. He gave them "no shave November" 2023 and then extended it to April 2024 and then it disappeared.

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Plessas investigated the allegations of missing heroin against Batteiger. He did not agree with the Chief's decision not to dismiss Batteiger as a result of that investigation, but did not think it was a wrong decision. He believes there is an honesty and integrity issue associated with that incident. Lt. Chapman was responsible for the Canine Unit and he received discipline as well. He does not know what discipline Connole received related to this issue. He also does not know what policies were changed as a result of that investigation. Plessas believes there should be a notification process for internal investigations and discipline to the Human Resource Department and the City Manager. There was also an issue with the location of discipline and personnel files. information was not making its way to the "official" personnel file in the Human Resource office.

Previous chiefs issued suspension or loss of pay shortly after the investigation was completed. Chief Klug is slower to get that done.

Chief Klug created the Professional Standards office which conducts policy reviews; use of force reviews; and internal investigations.

The department has body cameras on all patrol officers and detectives. They are all issued body armor. There was no mandate for change within the department when Klug was appointed. The department is Lexipol-certified. The department provides training for officers/command staff including anti-harassment training annually.

There is no discussion of what happens as a result of an investigation into an officer's conduct. There is no distribution of information/policy changes.

On November 6, 2024, shortly after another officer's suicide, we spoke to Plessas again. Plessas stated that now all members of the Police Department, including dispatchers are required to speak to a counselor after such a traumatic occurrence. As for the services, everyone at the department, including the dispatchers, is being kept apprised of the funeral arrangements via the "Chief's Messages" page on Evertel. Command is also staying cognizant that individuals may have different perceptions, reactions, and well-meaning actions may have contrary effects, such as removing a dispatcher on duty during a traumatic event. Her perception was that she was being removed from her support system. Plessas is going to follow up with the dispatcher to let her know that she was heard. Whenever he is at City Hall he will stop by the dispatch center and he acknowledges everyone there. Wayne is usually out on the floor Margaret is usually in her office and Plessas will stop by her office to see how things are going. She updates him on some disciplinary issues that Wayne brings up to her.

Acting Chief Plessas has been trying to make decisions more quickly as these long-elapsed periods of time in decision-making in time were a sticking point under Chief Klug. Plessas has cleared out all the backlogged discipline that was on Chief Klug's desk and has reached a 1-year agreement with the pound for stray animals. Plessas has regularly visited the midnight shift, is trying to talk to people frequently and being more approachable.

Plessas did not second guess Chief Klug's decision on the beard policy. He has never heard Chief Klug say to anyone or about anyone that they were replaceable. Plessas is currently still responsible for Investigations.

Regarding Greg Johnson's shortcomings as a supervisor, Plessas with Lt. Dyke is trying to get him where he needs to be. He should be doing more supervising and less investigative work. Considerations are being made about whether to keep him in investigations. Plessas is not involved at all with the McLeod

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investigation as he is his brother-in-law. There are still issues with everyone knowing everyone's everything and gossiping. The speculative nature of individuals has been an issue since Chief Balentine. They have been trying to find a balance between how much information to release to the entire department and maintaining confidentiality. Off-duty conduct for officers is affecting the applicant pool – conduct unbecoming, negative attitudes, and backstabbing the department. Plessas recognizes that most issues are with the lower ranks.

As a result of the 2021 investigation, Lt. Shawn Wegner was taken out of investigations where he really did not feel in his element. The department is trying to implement some of the recommendations from the 2024 Center for Public Safety Management organizational study.

Plessas stated that Chief Klug tried many different approaches. Chief Klug did try to meet with the night shifts and brought in dinner, but not regularly. Chief Klug spent many long days working in his office, but unfortunately, he was not out there with everyone else. Chief Klug gave the night shift options as far as when to receive the pin, but Plessas recognizes that people may not take an offered option. Plessas will come back for the night shift after leaving on time. Plessas does not think the night shift cliques exist anymore. He involves HR and the City Manager in all his discipline decisions and receives the benefit of the guidance, perspective, and knowledge of their position. He was not given a choice, which turned out to be a good outcome. The relationship with Ward County has been good and professional.

Plessas has kept his distance from Chief Klug so as to not compromise the investigation. The potential return of the Chief will be very positive for some and met with frustration from others. Plessas wishes that division did not exist. He hopes that in the end the problems will be addressed and the Department can move forward.

Sgt. Taylor Jensen

On October 1, 2024, Heintzelman interviewed Taylor Jensen. Jensen has worked for the Police Department for approximately twelve years. She was promoted to the rank of Sergeant in 2022. She is the Minot Area Bomb Squad Commander and is a canine officer whose canine specializes in recognizing/identifying explosives. She gave me copies of documents identified as Attachment 15.

Jensen told me that in early 2022, Eric Laudenschlager retired his dog Lois The next canine handler was Batteiger. Batteiger lateraled over from another agency. He was at the department for three years. He qualified for the canine unit and had no use-of-force issues. He was selected and took on canine Cyrus. Part of the process was to attend a twelve-week course and maintain a yearly certification. In 2022, Batteiger went to Minneapolis, Minnesota for canine training. Batteiger was getting a divorce and separated from his wife. While he was in Minnesota, he was using the department's take-home car to go to Fargo to see a dispatcher he was dating. Jensen believes this is wrong because he was missing training with the dog while he was on the road. In 2022/2023, Batteiger received several write-ups for a traffic stop and lying although she did not indicate how she had personal knowledge of these circumstances or disciplinary action. During one situation, she had her dog Caspian out on a scene of a call to find shell casings. As they were looking for the casings, she recognized Batteiger's truck at the home of a female where he had arrested her spouse on a domestic violence call. Batteiger initially denied any sexual encounters and said that he was just being "good company." However, during the internal investigation, he admitted that he (Batteiger) was sleeping with the woman he met on the call. She thinks this situation happened before she was promoted.

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Batteiger wanted canine hours, but the dog started regressing. Between September 2022 and October 2023, Lt. Chapman who is the canine coordinator, and Jensen started seeing the dog regressing and not hitting on any calls/cars. They tell Batteiger that these are the things we are seeing and provide him with some guidance on what he (Batteiger) should be doing to address the problems. Batteiger did not listen to her about this issue. Jensen told Sundheim in early 2023, about seeing Batteiger at the domestic violence victim's house. Sundheim told Jensen "We're not morality police."

On September 14, 2023; Jensen wrote a letter to the captain highlighting the mission statement and policies of the Police Department. She indicated there was an issue with Batteiger' s canine hours. He received discipline for not recording hours. She recommended that in light of the issues Batteiger was having with the dog, that the dog be removed from Batteiger. Attachment 15.

Thereafter, Connole was looking for the drug kit to take his canine out for training. The drug kit contains drugs from the DEA that are used to train canine officers. They discovered that the heroin was missing. Jensen and Chapman had to take drug tests to determine if they had any heroin in their systems.

After an investigation by Captain Plessas, Captain Sundheim and Chief Klug decided that they would strip Batteiger of all of his responsibilities in training and that he would lose the canine. They sent him back to patrol as a Master Officer. A Master Officer has five years on the job and a Senior Officer has three years on the job. An officer needs five years on the job to be eligible for the sergeant's promotion test.

During our interview, Jensen said that she does not agree that there is no discipline in his file for the missing heroin. Chief and Captain sent out an Evertel message that Batteiger no longer had the dog. Canine Cyrus went to Chapman's house until they found another handler. Batteiger has been telling people he was too busy and did not have time for the canine. When asked by Sgt. Schoenrock why are you lying about losing the dog, Batteiger said that it was too embarrassing to tell the truth.

The investigation did not uncover what happened to the drugs, but Jensen does not believe that taking the dog from Batteiger was a sufficient punishment. She thinks he should be fired, because Somerville was disciplined for lying and Wilk was fired for lying.

While Jensen also stated that there was a rumor about Batteiger and a young girl, Jensen had no personal knowledge and that rumor was subsequently investigated and determined to not be credible.

The Police Department has low morale and she attributes it to tolerating Batteiger and the changes that were made to the night shift.

Jensen is also upset about the way Krysta Becker was treated. Becker had a mental health issue and was left with a $4,000 bill for mental health treatment. Becker refused to work with Batteiger.

Jensen is upset about how discipline is decided and how duties and responsibilities are given out. The Chief decides who gets promoted. She believes three guys were passed over that should not have been passed over: Eric Laudenschlager, Lakoduk and Jay Bloyer.

She also indicated that the Chief has not released the patrol evaluations for 2023. Jensen has not had a one-on-one interview. She also mentioned that the Chief has not acted on the beard policy that the committee submitted to him in November 2023 and it is now November 2024.

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Former Officer Aaron Moss (FOP Representative)

On October 1, 2024, Heintzelman interviewed Aaron Moss. Moss worked for the Minot Police Department for approximately 19 years and one day as a patrol officer. He is currently an FOP executive board member and representative for the North Central FOP Lodge, which includes officers from North Central North Dakota and they also have members who are sheriff deputies. They have approximately 125 members. The Minot Police Officers, of which there are approximately 80 sworn, are the largest group of officers in the lodge.

Since April 2023, he has been working for the federal government in a division of the Veterans Administration. He is also a part-time deputy for a jurisdiction that is northwest of Minot. Moss told me that there is no collective bargaining agreement for the peace officers in the state of North Dakota.

Moss spent three years at the Minot Police Department, while John Klug was the Police Chief. He finished his tenure as a Master Police Officer and served in the capacity of Community Outreach Officer working Monday through Friday, eight to 5 o'clock. Before that, he spent 11.5 years as a Patrol Officer.

Moss also served as a field training officer (FTO) for some period of his tenure. As an FTO trainer, he told his recruits that if the job makes you miserable, you need to find something else to do. Moss felt that he was heading in the path of being miserable, so he left the department. Moss said that he wasn't pushed out the door. Rather, when Chief Klug decided to rotate officers out of specialty assignments, he did not agree with that principle. Under this policy, Moss was going to be rotated out of the position of Community Outreach Officer, so he put his name in for promotion. He knew that he needed to have a more varied experience to be competitive and therefore put in for other specialty assignments/staff duties, such as evidence and records.

He also took the sergeants examination and was on the promotions list. He stated that the promotions list was based on a testing process. There were two vacant sergeant positions, which means the city or department would look at the top five people on the list and make their selection from those five people. While Moss was in the top five in the rankings, he was not selected. He indicated that Chief Klug called him and told him that he had not been selected.

Moss believes that because he had spoken up against Chief Klug, he was not selected for those other positions and probably did not have a shot at being selected for promotion. Moss said he had members come to him with complaints about the department, such as a lack of communication from the Chief and/or Administration. He stated that officers felt that working the chain of command did not get them a response back from the administration. Other concerns relayed to him were equipment failures and officer safety (radio incident). Moss described an incident where a patrol officer was concerned that his radio didn't work. Neither the FOP nor the officer filed a complaint or grievance over the issue. Concerning the radio issue, Officer Shaide was complaining that his radio was not consistently working. Moss stated that nothing was done to respond to the radio issue. As a result, there was an incident where officers responded to a call and were required to use their cell phones to call 911 to get back up. Moss was not present during this incident. (Later in my interviews, I spoke with Shaide who had the issue, he was able to communicate via his radio and did not use a cell phone.)

Moss indicates that he and Kenton met with Chief Klug regarding the communication issue in the department. Moss described Chief Klug as raising his voice when they told him that his downward communications were not making it past the Captains. Moss indicated that previous Chiefs would have

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quarterly meetings with the union to address any issues. The union was fielding concerns regarding the department. Moss also said that every previous Chief would hold patrol meetings and that patrol officers would get comp time for attending the meetings. It was an opportunity for a free flow of information. The meetings were stopped during COVID-19 and have not been picked back up.

Moss complained that Chief Klug never provided his overall plan and vision for the department. Instead, Chief Klug would implement changes without much of an explanation. Directives were dropped on the department without explanation. Moss's perspective is that Chief Klug is dismissive of other people's feelings and that he doesn't have an open-door policy. In 2022/2023 Klug implemented the decision to rotate some members out of their specialty assignments, and people were furious. He indicated that there was no advanced communication with the FOP to let them know it was coming. Apparently, at one point there was a meeting that all officers attended to explain the rationale for the decision to move people out of their specialty assignments, because people were so upset. During that meeting, some identified the negative effects of such a change. Based on that meeting Chief Klug did not change the schedules for detectives. However, during that meeting with personnel, Chief Klug expressed his opinion that it was not his responsibility to take care of the officer's individual needs. Rather, as Chief, his responsibility in managing the organization was to prioritize the organizational needs of the department. This description is inconsistent with the email that Chief Klug sent to the department explaining the changes being implemented and the opportunities available to officers depending on their tenure and experience.

Moss also raised the issue of disparity in discipline. He stated that some women claimed they believed they were being discriminated against. This issue of discrimination was investigated in 2021. Attachment 23. Surprisingly, Moss indicated that the FOP did not know that the City had a grievance process.

In 2022, a Minot officer, Pat Blanchard, committed suicide. That caused the City Council to take an interest in officer wellness and, at the time, one of the council members was a forensic psychologist. They asked for a meeting with the FOP executive board to discuss what could be done for officer wellness. Moss believes that the pressure from the City Council is what caused Chief Klug to discuss the implementation of an officer peer support program.

A group of employees formed a wellness committee to address mental health issues in the workplace. There are no state statutes regarding police officer wellness. Employees spent a significant amount of time preparing documentation and presenting it to Chief Klug. Chief Krug responded that he would "look it over " and they never heard back from him. Moss said that the was done eight months ago. He indicated that Chief Klug's response to the work that the employees did for a wellness program "lit the fuse for him" and he left the department.

As part of the sergeants' promotional process, there is an in-person interview. At the end, a question is posed to the candidate by Klug or one of the Captains to the effect of: "What can we do better?" When Moss was asked this question, he told the interviewers that there was an appearance of unapproachable ability from the Captains and the Command Staff. He further indicated that using the chain of command was pointless, because the communication downwards never occurred.

Moss describes Sundheim as ferocious about supporting Chief Klug.

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When asked about the vote of no-confidence letter, Moss said that the letter was intended to get better communications with the City and a more stable work environment. The letter generated a discussion with Alderman Fuller.

Moss indicated that he and Kenton approached a newly elected Alderman, Rob Fuller, regarding the issues they were hearing about from the FOP Lodge members. Both Kenton and Moss were frustrated, because the Police Chief would no longer sit down and speak to them to discuss the issues they were fielding. After several conversations, with Fuller, Fuller told Moss that he was going to "get to the bottom" of what was going on. Moss indicated that there were budgetary issues in the department and that they had made some changes concerning overtime and officers being required to request overtime versus simply working it. He indicated that other departments pay for 100% of family medical coverage, but the Minot Police Department does not. He also indicated that as a result of Klug being appointed the Police Chief, there have been a lot more officers leaving. He indicated that officers did not leave as a result of the previous Police Chief, Olson. Moss indicates that the three previous chiefs' had a concern for the individual officers at the forefront. Now it's more of a job than a profession for him. Moss indicated that the perception has never been that the imposition of discipline was nefarious. The previous Chiefs communicated that the imposition of discipline was to try and make you a better officer. He indicates that it was rare to have discipline imposed and that there was no feeling of disparity of discipline from other Chiefs. The feeling was that the Chief was reinforcing a recognized standard. That is not the perception that the department has, at least from Moss's view, of Chief Klug.

Kenton Kossan

On October 23, 2024, at 3:00 p.m. CT Heintzelman and Koelbel interviewed Kenton Kossan. Kossan started working in early 2018 and had 9 years of experience as a patrol officer. He was a Senior officer and then Master Officer under Chief Olson. He resigned in February 2023.

Kenton has read and acknowledged the Minot Police Department Policies and the employee handbook. Kenton was not aware necessarily of the grievance procedure or complaint procedure. He did not receive any discipline. He was aware of the policies which were handled by the direct supervisor. He has never received a letter of reprimand or anything.

Regarding his relationship with Chief Klug, because of his position in the labor organization, he maintained a non-contentious relationship with the Chief. He understood that the Chief would come up with directives and policies. Kenton advised the Chief that he should "use us to help you." When Chief Olson reached out to the union to come up with a drug testing policy, the union worked with Chief Olson and the Chief would approve what was presented.

Chief Klug, however, did give the union any advanced notice. For example, when he wanted specialized positions in the department and did not include the Union. Kenton brokered a meeting between the membership and the Chief to try to smooth the waters and identify things that could be compromised. The new policy would establish a three-year max stint for the specialized positions, e.g.: Detective or SRO. Kenton's concern with the three-year limit was that an officer did not have enough time to learn the position before they had to move. The SROs, for example, do not even get to see the freshmen class graduate. It takes a specific type of cop to be an SRO, so that may limit the pool of individuals willing to take the assignment. They must be able to handle an active shooter situation and deal with kids on a non-aggressive manner. Detectives need mentoring and time in the position. He did not think it needed to be

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a hard and fast rule It was not meant to be a Chief bashing session, but to voice an opinion. At the end of the day, the Chief's position did not change.

Jay Haaland, who left, used to be SRO for seven years, ten years walking out the door. Stephanie Lentz was an SRO with a disposition for the position. The theme was that he thought he saw that people at the school liked working with the specific SRO assigned to their school, but then that person would be gone by graduation.

Aaron Moss (other FOP rep) and the Chief got into a yelling match about the incident where an officer's radio did not work. The Chief did not appear to want to hear what they had to say about the officer safety issue.

Kossan also raised the issue of employee insurance contributions. A police officer with a family had a monthly employee contribution towards the cost of health insurance of $200-$250 for insurance, which is higher than the surrounding towns. The retirement pension was based on the Rule of 90 – years of service plus age to get a certain percentage of your pay during retirement. The union had been trying to convince the City to go to the Rule of 85. Their requests were ignored until this budget cycle. Both the Police Chief and Fire Chief supported the change and it appears to be moving forward.

Kenton served a year in the Minot City Council. He believes there are inherent problems in the department that are causing people to leave the Police Department. Kossan said that Alderman Fuller told him that there are 200 years of police experience lost under Chief Klug.

Kossan believes that the culture at the Minot Police Department is not good and that there is an ego/attitude that precludes common sense. He believes that there is a lack of collaboration both within the department and with other agencies. By way of example, the. the relationship between the Sheriff's Office and the Police Department is not good.

Currently, Kossan is an undersheriff for a different county. Sheriffs from other counties do not want to have anything with Chief Klug. He was number two on the promotion list and six people were promoted off of it, but not number one and number two. Aaron Moss was number one. After being passed over twice, Kossan did not care to know what the reason was for being passed over. He assumed that he would not be promoted, even though Kossan has a spotless personnel file.

Councilman Fuller said if they had known that those investigations into the Chief's past took place then he may not have become Chief (the Chief's records were purged consistent with City Policy). Since that time, the retention policy has been changed.

There was a lack of leadership, lack of communication, and an inconsistent disciplinary process. Olson was great.

Belinda Gladback

On October 2, 2024, Heintzelman interviewed Belinda Gladback. Officer Gladback has been a patrol officer for 8-1/2 years. She has worked midnights for the past two years. When asked why she wanted to work midnights, she indicated that she wanted to stay away from everyone. She also indicated that gets migraine headaches, but has not gone to a doctor to request accommodation for working the night shift.

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In the past, she has had issues working with certain Sergeants and Lieutenants, but when she spoke to her ex-husband about it, he did not agree with her perspective on how she was being treated. She received a very bad evaluation from Sergeant Foley. In 2021, Sgt. Foley told her that she was "not where she should be if she wanted to be a Master Officer." The Master Officer is a test that officers take after they've been with the Department for five years. She indicated that she made grammatical mistakes in her reports, but did not think that the mistakes changed the substance of the report so she did not understand why she was criticized for the mistakes. She said that Sergeant Foley made working for him difficult. Amanda Somerville, Mat Cole, and she had to "dot their 'I's' and cross their 't's'" to stay out of trouble. She got into trouble with Officer Olson indicating that he did not like a comment she made about a child being "ugly" because a child had special needs.

She said that Sergeant Strandemo is much easier to work with, because he's supportive and talks to her. She believes there is a stigma around her that she is difficult to work with or that she makes things difficult for other people. She applied, but did not get an assignment to be an FTO or an SRO. She does not know who the other applicants for those positions were or whether they were more qualified for the position. She does not know whether they had any problems with the consistency of their police reports she thought her reports looked fine to her. She complains that the lieutenants would "get on you" if you did anything that was outside of policy. She identified Lieutenant Wegner as one of those lieutenants. She believes that the smallest fraction would get you counseling. She recalls a situation where Lieutenant Wegner shoved the notebook in her vest and said "If you're going to carry a notebook, make sure it isn't seen." She indicated that at the time, she had a notebook in her vest, which was popping up the top of her vest pocket.

Recently, she scratched the side of the squad car. She told Sergeant Strandemo who took photos and documented the damage. She compared that situation to Jessica Presley having an "at fault" car accident. She claimed that Presley totaled three cars and did not have to write a "dear Chief letter" about the accidents. Gladback thought the incident was over after she wrote the report, however Lieutenant Wegner called her into his office to talk about it. Gladback indicated that anytime she or an officer gets talked to, the sergeants are supposed to know about it. Her sergeant told her that's the way it's supposed to be. However, Sgt. Strandemo told her that he thinks Lt. Wegner is harder on women. Sgt. Strandemo indicated that he saw it with Sergeant Taylor Jensen as well. She indicated there were several incidents with Jensen that he went to Captain Sundheim about with a suggestion on how to fix it. She started documenting things when a male officer engaged in the conduct and how they were treated. Gladback says that now marijuana is charged as an infraction, which is slightly more than a traffic ticket. You have to be charged with it three times before it becomes a B misdemeanor. Patrol Officers have the discretion whether to charge or not to charge marijuana. She states that Patrol Officer William DeNovio was there and that he made a decision not to charge someone with a marijuana violation and did not get talked to you about it. There is no indication that a Lieutenant knew about DeNovio's decision not to charge the marijuana incident. A couple of weeks ago, Gladback worked 10 hours and was late to training. While she was at training, she received three emails and a message on the patrol application about completing a report on an "M" case from Lt. Wegner. An "M" case is a statutory rape case, because of the age differences between the victim and the offender. The victim was a willing participant. The phone was dumped and the report was due. Gladback says that during a meeting, in which Strandemo was there, Wagner called her out in front of Caisee Sandusky, and Officer Andrade. Andrade said she was disrespectful. She's one of the individuals who works midnights along with Strandemo, Scott Redding, and Whitesell. Gladback thought that Jensen went to Human Resources about Lieutenant Wegner

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She indicated that Sundheim asked her if she was interested in the noon to 10:00 schedule. She does not think she is interested.

Sgt. Noyes does not follow up on stuff and has covered up for Becker. By way of example, Becker had a ride-along and engaged in a pursuit. She has pepper-sprayed some people in a bar. Gladback does not know what discipline is, because Jensen and Noyes are best friends. Gladback says that Chief Klug and Lt. Wegner have separate files on people, but she doesn't know how she knows that information. She has not seen the files.

Alderman Rob Fuller

On October 2, 2024, Heintzelman met with Alderman Rob Fuller regarding this investigation. Alderman Fuller had met with 13 current or former members of the Minot Police Department, including a few dispatchers. He had taken notes of his meetings, which he then transcribed but did not identify the individuals with whom he had spoken. Alderman Fuller said that he does not have a background in human resources or employment law. He stated that his experience in conducting this investigation is as a businessman in the City of Minot. He previously owned a gun store, Spartan Arms where he employed several current or former police officers. Based on our conversation, Fuller employed several individuals, who did not leave the Police Department on good terms. Over the years, he has heard complaints from people regarding their departure from the City's employment.

When asked about his notes, including some of the conclusions that he had in those notes. He indicated that he does not have a background in human resources and is not an attorney. He stated that those notes were his stream of consciousness and thoughts as he was listening to the individual tell their story. Alderman Fuller did not indicate that he had any experience in police operations, procedures, police organizations, or discipline or management. He did not indicate that he had taken any police leadership courses or training or that he had ever been a police officer or supervised a police department.

Fuller indicated that the city was considering building a new police department and as part of his efforts on fiscal responsibility, he and Scott Samuelson were wondering why they should build a new police facility when it appears as though there are officers that are leaving the department in significant numbers. He did not indicate how the departures would support or contradict the need to replace a building that may be past its usefulness.

He has known Harold Stewart and Stefanie Stalheim, because he was a business owner in the City of Minot.

Alderman Fuller was having conversations with officers and asking what was going on at the Police Department. When he heard complaints, he solicited information about how the officers believed the City could fix things. A Master officer by the name of Dan Batteiger kept coming up.

The Thursday after Labor Day, he spoke with Chief Klug, Stalheim, Stewart, and Human Resource personnel Monica Porterfield. He indicated that Chief Klug got defensive during the meeting as he did not like to be questioned about why Dan Batteiger still worked for the City. Chief Klug indicated that he knew where this was coming from, referencing Officer Batteiger. Fuller indicated that there was an issue with Batteiger's ability to manage his canine and missing heroin. Chief Klug was adamant that Batteiger was a reformed officer and that there is nothing else going on with Batteiger. After the meeting, Fuller also told Stalheim and Stewart about some allegations that a 16-year-old girl had made regarding "being" with Batteiger.

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As a result of the meeting, the Chief was put on administrative leave on September 11, 2024. When Stewart met with Chief Klug about why he wasn't told about the heroin, Fuller indicates that Chief Klug told Stewart that he "did not think you needed to know yet"' Fuller indicated that Stewart, the Mayor, Lisa Jundt, and Stalheim were asked to recount some meetings with the Chief.

Fuller was upset that Klug went to the Ward County Sheriff after a call where Becker was the deputy on the scene where she made some statements about checking body cam footage to ensure that everybody is "staying honest" Fuller believes Chief Klug went to the Sheriff to retaliate against Becker. He also thinks there is another with a 16-year-old and Batteiger. Fuller also is concerned about Lieutenant Matt McLeod being on the force as a result of some complaints from Valley City, North Dakota, one out of Montana, and Idaho. He was placed on administrative leave until a decision not to prosecute was made by those agencies. Fuller indicates that Steve Schoenrock keeps asking why Dan Batteiger has "a hook" in the department. There were some allegations that Batteiger had been spying on the midnight shift on behalf of the Chief, and therefore the Chief was not going to take any disciplinary action against him.

Steve Schoenrock

On October 2, 2024, Heintzelman interviewed Steve Schoenrock. Schoenrock is a Sergeant working in the Police Department and worked the midnight shift until 2023.

Schoenrock was aware that there was an investigation regarding some issues in the department. I asked him to explain to me any issues he was having at the PD. He said in 2021, some female officers who worked in detectives were having a lot of trouble with their supervisors, Lt. Wegner and Sgt. Wilk. He said that Officers Talbott, Lentz, Guerton, and Asham were complaining about having to come to work when the administration stayed at home and they were also complaining about Lieutenant Wegner and Sergeant Wilk but he did not identify anything specific. He suggested that Captain Plessas oversee detectives. Schoenrock did not tell me that there was an investigation into these allegations in 2021 that did not sustain the allegations against either command staff member. Attachment 27.

When COVID hit, there was no administrative personnel in the building at any time. The detectives were working from home, and only the patrol officers were in the Department working. He talked to the administration about the issues and that the assignments were being treated differently. He thought that they were harder on the female officers. He also thought there was an issue with disparate discipline as Shannon Lackey had some alcohol issues, but she and Chief Klug were good friends, and therefore her conduct was allowed to continue.[6] Lackey told Schoenrock that she was "on the inside," so when she was caught lying, she kept her job. Schoenrock compares that statement to what happened to Sgt. Wilk who was terminated for lying in an investigation about giving out the passcode to others to get into the dispatch area during COVID.[7]

Schoenrock said that he had no issues at work before an investigation report came out in 2021. Thereafter, he was pegged as an instigator, because he said that if things didn't change, people would leave.

At some point, Captain Sundheim had a meeting with the patrol officers to provide an opportunity for "free talk" pre -2022. The meeting was an opportunity for patrol officers to identify the issues are having

[6] Lackey resigned based on some altercations that would have led to disciplinary action.
[7] The Chief limited access to the dispatch center to minimize the potential for transmission of COVID since the department had to maintain emergency services and the dispatch center was short-staffed. The risk to the public was unknown at the time.

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at work. Schoenrock told the people on his shift that they have "no right to complain if don't go to the Captain and speak" when they have the chance. Schoenrock describes Sundheim as a narcissist, because he always has to be the smartest guy in the room. He took all the comments and complaints personally, and after that meeting, anyone who said anything in the meeting that put in for special positions did not get them.[8]

Schoenrock had some medical issues with his neck and was struggling with pain. He was called into Captain Sundheim's office with Lieutenant Wegner. He was handed a letter that outlined how he was responsible for the poor attitudes of the people on his shift. He was asked whether he had given officers talking points to come to the "free talk" meeting. At the "free talk" meeting, Sundheim said that the shifts were too "clicky" and that they should think of the department as "one shift". In response, the night shift, and others, began kissing their index and middle fingers and raising their hand above their head (reminiscent of the Hunger Games/Sammie Sosa kiss?) and saying, "one shift." Schoenrock claims that it was not a passive/aggressive "fuck you" to the captains, but not surprisingly, that is how it was interpreted. Lt. McLeod was the one who brought the issue to Schoenrock's attention. Schoenrock indicated that he apologized to Lt. McLeod about the gesture.

At the time, Schoenrock wanted to stay on the night shift. He believes that Sundheim and Wegner were looking for an emotional reaction from him, so they could take some sort of disciplinary reaction against him. He believes that the letter is in his personnel file.

He was reassigned off the night shift onto the day shift so that the department could provide some oversight from one of the lieutenants. He said that his evaluations have been four and five over the past few years and now he was rated a two in one category. He went to the Chief about the reassignment. Chief Klug told Schoenrock that he just let Sundheim "do his thing" and now he is supervised by Lt. Haug and Lt. Wegner. Sundheim accused him of spreading rumors and not going through the proper channels. Schoenrock is the Senior Sergeant and should be able to choose the shift he works and he wants to stay on midnights. This is inconsistent with his desire to be a lieutenant in that all lieutenants work a day shift.

Schoenrock believes that Lt. Wegner has trouble working with women, because he does not believe they make good cops. He is concerned that Lt. Wegner was moved to patrol and Wegner has had issues with Becker and Jensen in the past. He believes that Lt. Mcleod is doing a good job.

A former officer, whom Schoenrock did not identify, stated that Batteiger confided in him that he had been charged with recording the night shift officers for Chief Klug. Schoenrock was very upset by this, because he knew Batteiger was having money issues. Schoenrock gave Batteiger a job to remodel his basement and fronted him $1000 on the job. The project has been a disaster. Batteiger was struggling to buy Christmas presents for his kids, so Schoenrock gave him some extra money. Batteiger bought his 18-year-old girlfriend a new cell phone with the money instead of buying gifts for his kids. Becker also had a problem with Batteiger. She would not work with him. Becker was angry, because Batteiger was sleeping

[8] Schoenrock received a counseling memorandum during his transfer off of the day shift because he was undermining the command staff after he was not selected for promotion to lieutenant. At the time of Schoenrock's participation in the promotion process, the Chief had established an assessment center process wherein he brought individuals from other departments to assist in evaluating individuals interested in promotion. Chief Klug indicated that a colonel from the Air Force indicated that Schoenrock was not a good selection for promotion because of his inability to control his emotions. This conduct was demonstrated during my interview with him. He is very upset about this decision that happened years ago.

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with a domestic violence victim. Becker told Ruelle that she would not back up Batteiger. She was moved to days and then things blew up and she was gone.[9]

Shortly after he was appointed, Chief Klug told some members of the department that they were all replaceable. He states that Chief Klug has been passing over the people on the top of the promotions list. Schoenrock has been struggling physically and put in for some other sedentary positions, like records and the crime lab, but did not get the position even though he believes he was a better fit than the person selected. Schoenrock has been released to perform his job duties by his physician without limitation. Should he need an accommodation, that issue should be addressed by Schoenrock with the Human Resources Department.

C. Shane Johnson

On October 2, 2024, Heintzelman interviewed Shane Johnson. Johnson is the Sergeant of investigations. He has worked for the department for fifteen years and works on the drug task force, which is a multi-agency regional task force with members from BCI, Minot, Ward County, and the Border Patrol.

He believes it is a "good old boys" club in the Police Department to this day regarding decisions and discipline. Sundheim is responsible for the SWAT team. Because public perception is that the SWAT team is militant, they wear body armor, etc., they are not called out to execute warrants. Rather, the drug task force members, who do not have the proper equipment, are required to execute the search warrants without SWAT backup.

There were two openings for sergeants in approximately 2022. The promotion process consisted of a written test and an interview committee. Cole Strandemo was promoted to Sergeant in Crime Prevention and Matthew Pappenfus was promoted to Sergeant in the Patrol Division. There is also an opening for a sergeant in investigations. Johnson said that they tested and scored higher than the individuals selected but were not promoted. He thought both Strandemo and Pappenfus had discipline in their file but that the discipline was disregarded. He believes this is true even though the Chief talks about accountability and transparency. He said that supervisors are reviewing reports, but are not making corrections to the reports. He identified a report in which the officer failed to identify the car involved as a stolen car as the one being driven into the garage. Case no; 2024-00023085.

Johnson said that Tyler Ruelle told Shane Haug that Pat Blanchard had a steroid issue. Also, Jay Bloyer knew Blanchard was drinking.

Sundbakken gives 72 hours' notice for a random drug test. Johnson's name was selected on July 29, 2024. He does not understand why so much notice is given because it takes around 72 hours for drugs to dissipate in your system. Therefore, the random drug test is not serving its purpose.

Johnson told Captain Dale Plessas that Greg Johnson does not do his job and Lieutenant Dyke is not holding him accountable. Greg Johnson used to play poker with Sundheim and that is why he is not being held accountable. Dyke also does not hold people accountable. There are supposed to be seven Investigators, two Sergeants, one Lieutenant, and one Captain in Investigations. Greg Johnson has worked on three homicides and Elijah Hanks ends up completing his cases. Johnson gave an example of Greg Johnson Steve Schoenrock and Anthony Washington investigating a missing individual complaint. They

[9] Schoenrock's explanation of what happened to Becker is missing significant details for which he has no personal knowledge.

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searched the basement of the home where he was last seen. They reported to the Captain and Lieutenant that there was no evidence in the basement. He went missing on April 3rd. On April 18th/19th, they were waiting on probable cause subpoena to search electronics on Facebook. They obtained the warrant in June 2024. They used the luminal or Bluestar which detects iron in the blood in the basement. They ultimately found the body behind a door in the basement where Greg Johnson, Schoenrock, and Washington searched. Johnson also identified a series of robbers where an individual was stealing cars crashing into garages and stealing items. Greg Johnson had two cases that could get warrants, but was not able to figure out the other cases with the same *Modus Operandi.*

Johnson identified the Chief's failure to approve the uniform policy as a communication issue. The Chief set a deadline and did not meet the deadline. The Administration always seems to be double booked, so most of the patrol officers don't have one-on-one interactions with the Chief and Administration.

Krysta Becker

On October 2, 2024, Heintzelman met with Krysta Becker. Becker is a former Patrol Officer, who left the City in the summer of 2024. She had been with the department for nine years and was a Master Officer. She is currently with the Ward County Sheriff's Department.

She did not have any problems with former Chief Jason Olson. Shortly after Sundheim and Klug came in, Pat Blanchard killed himself. The patrol officers needed more help mentally to handle what was going on. Becker was having a tough time, because her neighbor also shot herself in the head. She was friends with Officers Jensen and Sergeant Noyes. She had difficulty after Blanchard's suicide and her neighbor's suicide. Becker made some statements about putting a bullet in her head. Sergeant Noyes was concerned. Jensen and Noyes reported the statement and she ended up being [redacted]. Becker is upset, because she thought that Sundheim and Chief Klug said they would support the officers and help them no matter what they needed. She feels like she was let down because she was put into the [redacted]. She says that it was good intention, but poorly executed. It took her four days to calm down. They convinced her that she needed to go for [redacted] in Florida . She was upset, because she thought that the department would pay for all of the cost of the [redacted] but the department ran it through her health insurance. The department paid for her transportation to [redacted] in Florida, but she had a $4,000 bill for the co-pays and deductible. She does not think it is fair that she had to pay any of the bills for her own healthcare treatment.

She was originally on the sniper team with SWAT, but was taken off when she had mental health issues. She had some issues with an individual by the name of Batteiger. He was initially living with her when he was separated from his wife, but she kicked him out of the house when she believed he was sleeping with the victim of a domestic battery call that Batteiger responded to. This happened around the same time as the [redacted]. When she returned, Chief Klug told Becker that she needed to give Batteiger a second chance and be able to work with him. She struggled to deal with the Chief's request to be professional with Batteiger while at work. At some point, Becker told another officer that she would not back up Batteiger if he needed her on a call because he had lied to her. Chief Klug and Sundheim tried to work with her to ease her back into working with Batteiger, but she was not willing to do so. They moved her to days. She told both Chief Klug and Sundheim that she would not back up Batteiger if he called for help, because he was not trustworthy. Based on that statement, Chief Klug told her she had a choice to make and she resigned.

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Becker believes that she was the first female sniper in the upper Midwest. She said that her psychologist said that she could continue to work on SWAT, but she was not allowed to do so. She thought this was unfair because Blanchard got a six-month suspension for a criminal offense (DUI) and she got a six-month suspension and never returned to work.

As part of the interview process, we reviewed the documents Becker provided as well as the fitness for duty recommendation and provision of transportation to Florida and expenses. Contrary to her assertions, the psychologist indicated that Becker could train and educate the SWAT team, but did not say she should respond to calls in the interim. The fitness for duty report also indicates that Becker needs to realize that she is responsible for her mental health fitness. Attachment 48.

Dave Chapman

On October 2, 2024, Heintzelman interviewed Lieutenant Chapman. He indicated that he has no specific grievances concerning working in the Police Department.

Chapman was identified as part of an incident with Chief Klug many years ago and brought forth more recently in an anonymous email sent in February 2022. The original incident described in the email occurred approximately 20 years ago. Chapman was working on the night shift. Chief Klug was working on the Ward County Drug Task Force. He was going through some issues with his ex-wife. One evening, Chapman had a call out to the Clarion Inn. The desk clerk said that someone had come to the hotel and was flashing a badge. When they arrived, Klug was outside. He was intoxicated and looking for, a woman by the name of Maggie. Maggie is Chief Klug's wife. She works as a counselor but does not work for the City. Chapman talked to Klug and he agreed to go home with Maggie. Maggie was driving home and they were near the courthouse at Third Street. They argued and he jumped out of the car. Chapman, who had been following Maggie, pulled over and talked to Klug. In the anonymous email, it stated that Klug pulled a gun on Chapman. That is not true. Chapman never saw a gun. Chapman said that the incident was not reported, but it probably should have been reported.

This incident has been disclosed to the City and is the subject of a previous review. With respect to this investigation, this incident occurred twenty years ago and is irrelevant to the current events. To the extent it remains the topic of discussion, the discussion is contributing to the gossip and rumors that are deteriorating the morale of the department.

Josh Noyes

On October 2, 2024, Heintzelman spoke with Josh Noyes. Noyes is currently a Sergeant on a patrol shift. He has been with a department for 12 years. He has a good assignment and believes working for the City is a good opportunity.

Noyes believes that morale is an issue. Chief Klug was appointed right before COVID. Since then, Blanchard committed suicide, there have been officer retention issues and people are burned out. He said that the command staff has an old way of addressing or fixing things, particularly retention. He believes that discipline is inconsistent, even though there is a matrix for discipline. Once he was promoted to Sergeant, he received no training. If there are problems on a shift with an officer, they are supposed to address the issue at the Sergeant level, but there is no transparency concerning disciplinary issues. The sergeants do not know what kind of discipline is given out and then there is no transparency as to how one sergeant is

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handling a situation versus another. Lieutenant Haug is responsible for internal affairs, but previously it was Lt. McLeod.

There is an issue concerning an officer by the name of Batteiger. He has poor performance and there was an issue regarding Jensen and Becker. At some point Officers Jensen and Becker were at a gun call, looking for brass and they saw a passenger car parked at the house where they had previously been a domestic violence call. They told Noyes about it and he asked Batteiger about why he was at that location. Batteiger lied to Noyes and said that "he was just good company ". Noyes did not put Batteiger's statements into a memorandum and Noyes was never interviewed. When Batteiger was investigated by McLeod, he told the truth about his relationship.

Noyes believes the department enforces the rule that if you lie as an officer, your employment will be terminated. Officers cannot fraternize with felons. Noyes also believes that Amanda Somerville also lied to Sergeants and/or omitted information but was not immediately terminated. Noyes indicates that she would disappear from the GPS for something like 70 days, because she had issues with her boyfriend and only received some counseling. At one point, she was responsible for investigating a vulnerable adult sexual abuse case. She was asked whether the family had been following up with her and if she had failed to return telephone calls. Somerville lied and said that she had never gotten any calls from the family. Ultimately Somerville told the truth during the investigation and therefore was not fired. Noyes doesn't understand why the department kept Batteiger and Sommerville.

Noyes thinks that everything gets politicized and internal investigations take too long and people can sit on paid administrative leave while the investigation is taking place. Noyes did not receive a one-on-one interview like Chief Klug promised. There is an overarching feeling that if the command staff doesn't come up with the idea they won't like it. Neither the command staff nor the Chief takes any of the ideas that are presented by the rest of the department.

Finally, Noyes indicated that the department will not let the SWAT team execute search warrants or arrest warrants for the drug task force or allow them to back up the task force officers. Noyes believes that the warrant execution is an elevated risk that should require a SWAT team presence.

Jacob Olson

On October 2, 2024, Heintzelman interviewed Jacob Olson. Olson was promoted to the assignment of School Resource Officer in January 2024. He has been with the department for nine years and in policing for 10 1/2 years.

He started as a police officer in Harvey, North Dakota. When Chief Klug was a Captain, he supervised Olson and helped Olson stay in his career. Olson was having a tough time with one of the FTO trainers. He had another situation with a promotion test. Captain Sundheim gave him an opportunity to participate in a portion of the interview process via video conference because his daughter had a medical appointment that he needed to attend.

He is very grateful to them for their assistance and how they accommodated his personal family situation. The Command Staff and Chief Klug can do good things.

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He believes there is a lieutenant file on individuals working in the department There are a lot of people who talk negatively about the Administration. He discussed Blanchard, and how he had an alcoholism problem and was taken off of SWAT for six months.

He was removed from the FTO program, because they said that he was bad-mouthing other FTOs. He was not happy with being removed. He said that he did not know who decided because Strandemo said that he did not decide to remove him from FTO. He stated that Lt. Wegner and Noyes met with him and said that they could not remove the notation from his department file.

He also mentioned that in 2021 Batteiger collected thirty dollars from his shift and never bought the bobblehead Christmas gifts he was supposed to buy. Batteiger kept making excuses for the failure to buy the gift. Everyone put in 30 bucks and there was a total of 300. Batteiger never bought the gift, but kept the money.

I was told that Batteiger returned the money when he resigned from his position.

Anthony Hugg

On October 2, 2024, Heintzelman interviewed Anthony Hugg. Hugg is a Master Officer in the Police Department. He is also on the SWAT team and he is an FTO. The Master Officer position is an open book-tested position. The Senior Officer position is also a tested position. Hugg indicates that the patrol division has not received their performance evaluations in 2023.

In 2021, Captain Sundheim had a “free talk “meeting. This was an opportunity for patrol officers to speak to command staff with repercussions. They canceled the first date for the meeting. He believes that as a result of that “free talk” meeting, everyone who spoke up was downgraded in Category 8 of their performance evaluation. Hugg showed me his evaluations. In 2019, Hugg had four and five ranking on his evaluation. He is missing his 2020 evaluation. In 2021, in Category 8, he received a two out of five. In 2022, Category 8, he received a three out of five score. Hugg believes that this score was a result of being on the night shift and speaking out as Sergeant Schoenrock suggested they do for the administration to know what their concerns were. Hugg did not identify what concerns either he or anyone else from the night shift raised other than Schoenrock’s contention that he should have been promoted over Dyke. Hugg also did not reference the “Sammie Sosa” kiss symbol or any other that could have been the basis for the evaluation.

Hugg describes the situation where former officer Blanchard was at a bachelor party and became intoxicated. Blanchard was on the SWAT team and received a call out while at the party. He drove drunk and blew out a tire. He does not believe Blanchard received any discipline for this situation. Hugg has no personal knowledge regarding how this situation was handled.

Hugg believes that as a result of the “free talk” meeting, Schoenrock was moved to days and downgraded in his performance evaluation. Miller, Schoenrock, and Bloyer were blamed for the poor attitude on the midnight shift. Because they were also on the midnight shift, Hugg does not believe that Pappenfus or Haug will be promoted past Lieutenant This is an interesting perspective since Chief Klug promoted Pappenfus to Sergeant and Lt. Haug is now in charge of Professional Standards.

Blanchard committed suicide in December 2022. The “free talk” meeting was in the fall of 2021.

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Hugg believes that his educational credits were not included in the sergeants' promotional exam. While he does not believe it would have affected his position on the sergeant's promotion list, he wanted to raise the issue.

Hugg is not involved in discipline or investigations, but believes that in 2021 and 2022, there were issues concerning McLeod's conduct but nothing was done about it. He said that they, but did not identify the "they" did not believe that Sommerville, Laudenschlager, or Wilk got a fair shake regarding the discipline they received.

Hugg did not get a one-on-one interview. He provided the email for the one-on-one interviews.

Hugg was also upset about two individuals he put up for a life-saving award. There was a guy that was stabbed in the neck and the two individuals drove him to the hospital. They were juveniles. The juveniles were at a party and may have been under the influence of alcohol in Hugg's opinion. Hugg said command staff showed up for the award and only three patrol officers attended the presentation of the award. Hugg does not understand some of the decisions that are made. His schedule would change in June. He talked to Lieutenant Wegner and talked to Sundheim about staying on the midnight shift. He does not understand why the SROs are not assigned to the extra 12 – 10 shift for the summer while school is out and he doesn't understand why his schedule is changed to the 12 to 10 shift.

Kristian Shaide

On October 2, 2024, Heintzelman spoke to Kristian Shaide. He has been in the Police Department for seven years.

Shaide had a problem with his radio. He went to talk to Sundheim about it. He works on the 12 to 10 shift. For the first half of his shift, his supervisor is Ruelle, in the afternoon, his supervisor is Jensen. He complained to the administration, he did not identify who, about the fact that his radio was not working in places where it should work, e.g., not dead zones. In one instance, he had made a traffic stop and called out for a DUI driver. The driver tried to get away and the officers tackled the guy running to his truck. Shaide called two times to 1078. Nothing was coming out Amanda Somerville was his backup. She called 911. Ultimately, he was able to get the radio out of his vest and use it. This incident occurred on September 5, 2021. Neither he nor Somerville were injured other than a few bruises.

Shaide was extremely vocal about the broken radios and was extremely frustrated with the fact that no one was doing anything about it. In November 2021, he was called into Captain Sundheim's office. Captain Sundheim and McLeod told him that their fight with the suspect was very "vanilla" and there was nothing to complain about. They said that sometimes the radios did not work and that he would have to be prepared to use other resources to call for assistance. Ultimately, Sundheim continued investigating the radio issue and uncovered that there was a short in the connection between the microphone and the radio and all of the radios were fixed. In Shaide's opinion, his complaints about the radio were not taken seriously. Attachment 40, pages 1348-1349, contains Captain Sundheim's investigation and response to the radio issue identified by Shaide dated September 13, 2021.

He believes morale is an issue because the officers didn't see the captain or chief for months. There were only certain meetings scheduled, and there were never any touchpoints. By touch points, Shaide means that neither of the Captains nor the Chief would go out of their way to appear at the midnight shift to interact with the officers and see how it was going. He talked about the discussions they had on the night

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shift with Schoenrock about not being cliquey. Somebody came up with the idea regarding "one shift." Shaide insists that the gesture was not mocking of the administration, but the administration thought that the midnight shift people were making fun of them.

Shaide is on the SWAT team. The armor that the patrol officers have is a level two. The SWAT armor is level four. He indicates that he got on the SWAT team to do that type of work, not to just train. He thinks that the administration does not utilize the team enough, for example execution of Warrants. There was some discussion about the fact that Sundheim does not allow the SWAT team to back up the undercover team when they are executing warrants.

He believes that there is poor communication from the administration and that they are focused on the wrong problems and doing nothing to improve morale. By way of example, he believes that the department should recruit more from Minot State University. He thought this was an actionable idea. He had a meeting with Dr. Rabe about whether or not he could volunteer to work with some of the students so that they get to know officers from the City of Minot Police Department, and that may help with recruiting and relationships. After speaking with Dr. Rabe, who told him that the University was all in, he went to Sundbakken to pitch his idea. He never heard from Sundbakken about the idea. He understands that Chief Klug and Dr. Rabe had a falling out which may be the issue. He doesn't understand why that would prevent the City from recruiting at MSU.

There was a survey that was sent to the Police Department, but there was no follow-up on the survey. He doesn't understand why the City of Minot Police Department cannot be fully staffed. The Ward County Sheriff is fully staffed, the City of Fargo is fully staffed, and the City of Williston is fully staffed. He states that the work environment is not good in the Minot Police Department. Shaide said that Becker left the Minot Police Department and took less money to go to the Sheriff's Department. Shaide has no personal knowledge about the underlying issues in Becker's departure.

He thinks the discipline is inconsistent. Two years ago, he backed into a tree and totaled the back trunk of the squad car and received no discipline. A year ago, he got stuck in a snowbank with the squad car. They pushed the car out of the bank with a plow and the plow dented the back door. For the second incident, he received a two-day suspension. Based on these experiences, he believes that discipline is inconsistent.

Radio issue was addressed and fixed in 2021.

Jared Foley

On October 2, 2024, Heintzelman interviewed Jared Foley. Foley was promoted to Sergeant in July 2019. He is currently the Sergeant responsible for the Records Department, which includes being the Evidence Custodian. Before moving into Records, he was on the patrol shift for eight years.

in December 2022, he was on patrol and loved his job. Thereafter, Chief Klug moved him to the Records division. In Records, he's in the station five days a week and always around the administration. Foley is not a fan of how the administration is running the department. He believes that they never make decisions and their thought process is inconsistent. He thinks that ideas go down the hallway and die, because they never hear anything back.

The person responsible for the Records Department before him was not efficient and there was a big mess to clean up. They use LEARMS for records management. Foley has been going through cases and

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conducted a massive cleanup and a massive push for categorizing evidence and destruction of evidence that is no longer needed. He was provided with three days of training working with the former Sergeant in Records. He also took a 14-hour course with the International Association of Property and Evidence. This is an association for evidence custodians. In July, he took 15 hours of training on the chain of custody issues and how evidence is handled in the City of Minot. They use Lexipol for the management of their property room. Lexipol is an entity that provides rules and regulations for police departments and other agencies. They conducted an audit in 2018 when Kenton was moved to the position of SRO. There is another officer who is on temporary light duty, Carrie Stanfield (Petersen) also worked in the Records Department with Foley for a year. She applied for the open position in Records, but was not given it. Instead, the position of the records officer was given to a Senior Officer. The department is also hiring another officer to work in the back as well.

Foley claims he inherited a total mess in the Records Division. There has not been a formal audit of evidence since 2018. He cleaned up and organized the Records Department and came up with ideas consistent with what he had learned to make changes. By way of example, he needed shelving units. They cost $800. He made the request several months ago with no response. He brought it up several times. The Chief gave him an answer similar to “I don’t wanna rob Peter to pay Paul.” Foley found some shelves that were not being used so after making several requests, he simply took them cleaned them up, and began using them in the evidence room. Several weeks go by and Chief Klug notices that Foley moved the shelves. Chief Klug said that he told Foley not to take the shelves and that he (Chief) would get back to him (Foley). As a result, he received a letter of counseling for moving the shelves into the intake room of the Evidence Room. Another suggestion was to move evidence processing outside the evidence room near the digital evidence technician and to put the heat sealer out there so that it would be easier for the officers to process evidence. He wrote a proposal and it was sent to the Chief's office and it died there. Foley says that he’s a young sergeant who has ideas about how work may flow better but he keeps getting shut down.

He said he participates in Tuesday meetings with the administration. There’s a lot of small talk back and forth and questions about what he’s working on. He does not believe it is productive.

Four months ago, he received discipline with a day off, because during his attempts to auction off unclaimed property, two bicycles in evidence were advertently sold. He auctioned one off, but was able to recover it. The other one the department paid for. It was simply a mistake, because he didn’t have enough help, as he was working the auction himself with four adults and seven juveniles from the cadet program. He feels that the discipline was unfair, because he didn’t have enough help during the first time through the process and did the best he could.

He also said that the administration does not attend events. There is a suicide prevention walk called “Out of the Darkness”. No administrative personnel showed up for that walk this year.

There was also an issue with coffee with a cop. The Acting Chief Plessas and Sundbakken attended. He also participated in drafting the wellness program. The City Attorney reviewed it and thought they did a good job. However, it has not been implemented. There have also been efforts made by the patrol officers on the uniform policy and a beard policy. They worked on the uniform policy two years ago and still nothing has been implemented.

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Foley said he did have a one-on-one meeting with Chief Klug. He thinks Chief Klug had meetings with three people. Even though, he wanted to get to know everyone. The one-on-one meetings were stopped, because Chief Klug had family issues.

Only three or four sergeants go to the administrative meetings, even though all sergeants were supposed to attend these meetings. At the meetings, the administration focused on things like signs for parking in front of the new retaining wall, as opposed to things that are affecting morale. He believes that the morale issues are more important and are affecting service. For example, the failure to implement the beard policy and the continuing the prohibition of beards for officers results in p good candidates not applying for open positions.

Sara Kiss

On October 2, 2024, Heintzelman spoke with Sarah Kiss. Kiss was trained on the department's personnel policies and passed her probationary period in June 2023.

Kiss had an altercation with another female officer named Becker. They responded to a call where a female had gone to the hospital, but they could not help her. She was a drug user and was very sick and wasn't eating. They responded to a call for a well-being check. The female was refusing to go to the hospital and Becker threatened the woman by saying something about her kids.

Kiss believe that this was an ethical issue. Sgt. Sandusky told Kiss to report the incident to her supervisor Sergeant Taylor Jensen. They called Sergeant Noyes and they interviewed Kiss. Kiss had detailed notes of what happened. Then the sergeants talked to Becker. Afterward, the Sergeants told Kiss that they would not do anything about it.

Kiss came to work the next day and got in the car with Becker. Becker told Kiss that Kiss should have come to her (Becker), because this is not how we do things here. Becker told Kiss that she (Becker) will not have her (Kiss') back on the road, and once that bridge is burned, nobody will have her (Kiss') back. Kiss spoke to Amanda Somerville who was a friend on her shift. They reviewed the policies and determined that it would be instant termination if Becker failed to back them up. Later, she found out that other issues were going on with Becker and, as a result of those other issues, Becker was moved to dayshift and they worked all of their days together. Kiss was concerned, because Becker said she would be on her own. Becker was put on leave came back to work and then went back on leave. Ultimately, Becker submitted her resignation. Kiss does not know what happened to Becker or if the department ever investigated retaliation against her. Kiss did not report Becker's statements about backing Kiss up to anyone. Kiss believes that it would be good to follow up with the officer and let them know what happened in the investigation.

Otherwise, she is very happy in the department. They checked on her after she had a call with a gunshot victim. Kiss thought that she got the best medical care.

Tyler Ruelle

On October 2, 2024, Heintzelman interviewed Tyler Ruelle. He has been working for the department for 15 years and is currently a Patrol Sergeant, on the SWAT team, and sniper team.

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Ruelle doesn't have a lot of interaction with the administration. He is concerned, because they have not yet received their 2023 performance evaluation. That being said, he believes an employee would know if there was an issue with their performance, because the sergeants work closely with the patrol officers. When Chief Klug began working as the Chief, he said he (Klug) would have one-on-one meetings with each of the officers. He was doing them with Lieutenant Haug and Sundheim. Ruelle does not see the Chief as he seems to come in late and does not come to any of the shift briefings compared to other chiefs. Ruelle says that it is noticeable. Ruelle is also critical of the 12 to 10 shift, because the department is down on staffing and the individuals that are working that shift are not seeing their Sergeant. They do not have enough personnel to cover the street and the 10 to 12 shift makes it even worse. Ruelle was aware of the situation between Becker and Batteiger. He said that the officers need to be professional when they come to work and they cannot take their issues onto the street. Ruelle said that if they were working on the same side of town, Becker's statements that "I will not cover him" and "if he is on a call, I will not cover him" are not manageable. Any officers can end up on the same side of town working with another officer they may not like. At some point, she was removed from the sniper team and ultimately resigned.

It has been a weird time after COVID, which is the elephant in the room. He was told that his behavior was being influenced by Sergeant Schoenrock, but the fact of the matter was that COVID had isolated the midnight shift in the patrol division from the administration, and that created the separation and maybe some of the issues.

He recalled the situation with Batteiger at the annual firework show at the fairgrounds. This is an incident where Batteiger was chasing two juveniles on an ATV. The traffic was all backed up going west and he was trying to pursue a four-wheeler down Third Avenue. Ultimately, Batteiger was in the eastbound lane going west. The pursuit was outside of the pursuit policy. Ruelle does not believe Batteiger received any discipline for that pursuit. Another incident occurred when there was a kid on a bike who was hit by a car. Becker, Ruelle, and Batteiger were doing traffic control. It was a hot day and Ruelle told Batteiger to relieve Becker from the traffic control. Becker was getting angrier and angrier as she focused on Batteiger and would not allow him to relieve her. Ultimately, Ruelle relieved her instead of Batteiger. However, this created operational issues as the sergeant should not be directing traffic.

Ruelle is aware of the situation with Pat Blanchard. He was drunk at a party and then heard a call go out for the SWAT team. Blanchard tried to respond to the call leaving the bar. He crashed his car and blew the tire. He drove the car to the Police Department and was in the sallyport trying to change the tire. There were two or three officers there watching him. Ultimately, Shane Haug went over and convinced Blanchard not to change the tire and respond to the call. At this point, people in the department knew that Blanchard needed help with alcohol. He does not know what discipline was issued or what help was provided to Blanchard. Blanchard was suspended from the SWAT team. He believes that the DUI for Blanchard was overlooked, which in his opinion, is unfair because others may have gotten prison time for the same behavior.

Ruelle believes that the midnight shift was trying to make a morale problem, fun. They went from three lieutenants to two lieutenants, and the administration was presenting that the department members were all "one shift." This is the same time the Chief created the position of Professional Standards, Lieutenant. There are only two patrol lieutenants, one works the 6 a.m. to 2 p.m. shift and the other works the 10 a.m. to 6 p.m. shift. The night shift does not have a lieutenant. The administration tried to address this issue by saying we were one big shift and we could do this because we are the administration. However, Ruelle believes that if officers have questions, the administration should provide answers. If the

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Chief is not around, the Captains need to have sufficient information to respond as representatives of the Administration

Ruelle has had conversations with Sundheim where he was seeking information to share it with his shift. The response from Sundheim was that the administration trusted the sergeants to respond to the patrol officers. However, Ruelle didn't have the information to provide. It was like they were saying "We trust you to make the information up" and respond to the officers. Now they have five lieutenants as Dave Chapman was promoted to Lieutenant. He believes some of the Lieutenants are pretty direct but he always thinks something else is going on.

Ruelle believes that patrol officers should get an honest performance evaluation. He believes there needs improvement evaluation on item 8 on his performance evaluation was tied to the "free talk" meeting, which he doesn't believe is appropriate. He was not downgraded in his overall evaluation and does not think he lost pay. He identified the anonymous email that was sent to the media containing a long list of performance issues of the Chief and Captain.

Andrew Roach

On October 2, 2024, Heintzelman interviewed Andrew Roach. Roach has been with the department for 8-1/2 years. Roach has previous experience in other police departments, including the county. He is on the Ward County Task Force. They respond to calls around the state. He has been on the task since January 2024. He has been on the dayshift for one year and was on midnights before then.

Chief Klug took over in 2020 right before COVID. There have always been issues with communication and explaining why we do things the way we do them. By way of example, he put in for a training session in Bismarck, North Dakota. The training was free and he was willing to drive to Bismarck to attend the training. He put in for the training three weeks before the training was scheduled and then followed up with Lieutenant Haug the week before the training. By Thursday or Friday, Roach had not received a response. The Training Captain is Sundbakken. He talked to Sundbakken, who did not take it well and was rude and Roach was upset because it was taking so long to get a response. Sundbakken shut the door and they argued the lack of a response. Roach says that the only time he saw administration is when he was getting off of the midnight shift when they were coming in. He was frustrated in general, because he needed to follow up on the training to get lodging and wanted to know if he was going to be able to go. He got a call from Lieutenant Haug that Sundbakken was upset with the way Roach spoke to him regarding the training. Roach said that conversations are preferable to emails. Later that night, he was told that he was approved to go to the training, but he woke up the next morning to a text that said the training request was denied. Later that night at a briefing, Schoenrock told Roach that he was accused of yelling at Sundbakken. Roach said that he was made to look like a bad guy, but all he wanted was approval for the use of a car and a response to his email. The training was on March 22, 2021. It was called Evidence-based Interview and Interrogation.

From other interviews, I was told that training was curtailed if not eliminated during COVID-19, because of the risk of transmission in large groups. As the administration made the decision not to allow officers to walk into the dispatch center, the denial of training is consistent with that approach for that time.

In 2021, he received his performance evaluation but his Sergeant, Schoenrock, did not write the evaluation even though he saw me every day. Lt. Haug went through the evaluation with Roach and gave him subpar grades. He was told that the midnight shift was cliquey and did not integrate with the other

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shifts. There was a problem because the midnight shift liked to have fun. Schoenrock attributed this attitude against the midnight shift to the administration. We were told that we should mind our "P's and Q's." Roach also worked some overlap shifts on afternoons so when he would come in, he would make a gesture referencing "one shift," which is referred to by Fuller as the "Sammie Sosa kiss." The administration took this as a mocking gesture. However, Roach believes that they were just trying to keep the job interesting. On midnights, sometimes it's slow and it was never their intention to be disrespectful. They did not have a lot of calls so they would go out and play games to see for example who could arrest the most people. In 2018 and 2019, he had the most arrests. They were trying to maintain their motivation and build a little bit of camaraderie with some competition. They were trying to be proactive and look for people that have active warrants. It was difficult for the midnight shift, especially during COVID, because the administration would have meetings during the day and they would meet with everyone in the department except the midnight shift. Then they would hear rumors or interpretations of what occurred from different people.

Roach's 2021 evaluation, Category 8. Ability to work cooperatively with supervision or as part of a team.

> Officer Roach works well with his sergeants and other night-shift officers. Officer Roach needs to remember that the night shift is part of a larger team and needs to improve his demeanor towards administration and other personnel outside of patrol. The total team effort includes all aspects of the department as a whole.

Overall, this was a positive evaluation where Roach was encouraged to move to investigations or patrol and continue to be a leader in the department. He was counseled to maintain a positive attitude with all personnel in the department and not to let small things cause frustration.

He believes that the midnight shift and Sgt. Schoenrock was labeled the agitator, and therefore Schoenrock was moved off of the midnight shift. Roach says the people choose shifts because of their family life, and the administration's perspective only took into consideration the department operations and disregarded the personal effect the change had on department members. He, however, has no personal knowledge of any accommodation issues addressed by the administration. At the same time, the administration also decided that they would rotate people out of specialty assignments. Schoenrock was not in agreement with these changes and did not want to move off the midnight shift.

He asked to participate in the recruitment process from MSU. He's a former athlete from MSU and wanted to be a team player and do what he could to boost hiring. When he made some of the suggestions, Roach believes he was labeled an agitator. In speaking to Sundbakken, I was told that Roach is participating in recruitment at MSU.

He had a one-on-one with the Chief. Roach compared Chief Klug to former Chief Olson. Olson would say hello to you in the hallways. Klug is not that person and he is not welcoming. His stepson, Kenny Tygart, told Roach that Klug did not like him. Roach has aspirations to be with the department for 30 years. He is hoping that he can make that happen.

During our conversation, Roach was reading off of notes on his cell phone.

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Jason Bambenek

On October 2, 2024, Heintzelman interview Jason Bambenek. Bambenek has been a Patrol Sergeant for five or six years. He has worked both the night and day shifts. He has just under 20 years of service with the Police Department. Bambenek had some notes on his phone that he was reading off of during our interview.

He thinks it hurt more than it helped with Chief Klug. He said many officers were terminated or let go for lying in investigations. In January 2024, Lieutenant McLeod had some issues raised regarding an investigation in Missoula, Montana, or Boise, Idaho. He was put on administrative leave in January 2024 and then came back to work sometime around July 4, with no explanation. Bambenek believes there was an investigation regarding McLeod's niece. Bambenek has friends in law enforcement who told him about a situation that McLeod had around five years ago.

Bambenek said that he received a call as the supervisor on duty from a woman who said that a woman reported that when she was 17 she was sexually assaulted by McLeod and wanted to make a complaint. He took the complaint and emailed it to Chief Klug. He says the woman who called is Dena Rustebakke. Rustebakke is a police officer. He said the reason that McLeod was not investigated further is that the statute of limitations had expired. McLeod is married to Plessas' sister.

Bambenek said he has a weird working relationship with McLeod, because McLeod is cheating on his wife with Bambenek's neighbor Charlsie Burud. She told Bambenek that she was having a sexual relationship with McLeod. He also feels that McLeod is "touchy-feely "with Sergeant Carmen Asham. Bambenek says that the investigation into McLeod was closed by BCI.

Bambenek said that Shane Johnson told him that the current case with the niece was closed. Something happened five years ago which was reported to a school counselor. He believes that nothing is happening, because Sundheim and McLeod were all SWAT commanders at one point and they all know each other and their friends.

Bambenek is concerned because the department is below staffing 17 officers and some people are not doing their job, such as Sergeant Robbie Sumlin. There is someone who is running a department called Street Crimes and not supervising anyone. Bambenek believes that some of these officers should be put back on the street.

Bambenek said that officers are never informed why they are under investigation and if you had been more transparent, the issues would have been minimized. He doesn't believe people are being held accountable, for example, drug testing. Officers are notified in advance that they're going to be sent for random drug testing, which gives them time to clean up. There were no evaluations in 2023 and there are no quarterly assessments. Bambenek believes in Sundbakken is horrendous at training. He believes that Chief Klug is the main reason that people are leaving. There is a long hallway between the Administration's office and the rest of the Police Department.

He thinks that there is a lack of consistency and a lack of focus on what people want to do in their careers. The Chief said that he would do one one-on-ones, but many people were not spoken to and many officers wanted to talk to the Chief. By way example, Zack Myers, wanted his one-on-one with the Chief, but was unable to get it.

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Sean Christie

On October 2, 2024, Heintzelman interviewed Sean Christie. Christie is a dispatcher who began working for the City in 2023.

Christie believes there have been issues in the Dispatch Department that have existed for a long time. He has been a dispatcher for eight years and believes that he "is the reason the dispatch continues to operate." By that, he means that there is a lot of dissatisfaction in the department, particularly concerning the 12-hour shifts and how many people they have lost since COVID. The current PSAP leader is Margaret Haugen who, he believes is not good at her position. He describes her as a cartoon supervillain, who is completely untrustworthy and lies to the dispatchers. Because she's untrustworthy, she causes a lot of problems between the dispatchers. By way of example, he recalled the situation with a dispatcher who is not adhering to the dress code. Another dispatcher reported it to Margaret and rather than behaving like a supervisor and correcting the dispatcher's attire, Margaret identified the dispatcher that made the complaint. This resulted in animosity between the two dispatchers. Christie says that Margaret has no sense of confidentiality. She talks to one dispatcher about another lead dispatcher which creates animosity between the individuals. Sean, Beth, Lacie, and Shanlya all work four 12-hour shifts. They all believe that Margaret talks to everyone about everybody else. The dispatchers have a deal among themselves. They will always confirm with the actual dispatcher when Margaret says somebody made a comment or complaint. They are high-pressure jobs that are subject to tribalism. It's easy to create fractions amongst the departments.

He believes that Margaret uses gossip as a way manage the department on a daily basis . He doesn't think that discipline is being handled correctly. One of the more egregious situations is with Nicole. She came from Orange County Florida and had six years of experience. Margaret hired her and was very supportive. Nicole became pregnant with a new boyfriend and wanted to switch days. She told Margaret, but said that she did not want the issue of her pregnancy to spread around the department. Nicole was asking to switch days to handle her pregnancy. That same day, Margaret told Christy that Nicole was pregnant. She also told other people in the apartment that Nicole was pregnant. Nicole married one of the deputies, Casey Visocsky. Margaret told Casey that Nicole was pregnant. Nicole was only in her second trimester. Nicole was very upset about Margaret's breach of confidentiality. Ultimately, Nicole received an apology email from Margaret, but no meeting. This is after Nicole complained to Sundheim about Margaret disclosing her private information.

Christie says everybody talks to him. All 10 dispatchers say they have problems with Margaret. The dispatch center is very broken. Margaret reports to Sundheim and every dispatcher reports to Margaret. Recently, she sent a big email to everyone appreciating everyone and trying to check in, because her office should be a safe place where people can come and talk to her. The dispatchers had difficulty taking her seriously because of her past behavior. He said that they did a 360 evaluation online, but she got the results. She received no discipline for all of the complaints against her. Chief Klug has been coming to dispatch to try and address some of the issues. Chief Klug takes the lead in meetings starting in 2023.

Ultimately, Christie spoke with Sundheim after the meeting who indicated that they need to know everything that is going on in the department. It has gotten better. Margaret needed a wake-up call. Margaret is doing okay on the administrative part of the job and they have hired another individual to manage personnel issues. He believes that Margaret got her job because of politics, because she has been there so long.

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They are so short-staffed on the dayshift. They have 37 agencies for which they dispatch Police and Fire and take and dispatch calls. Christie was coming in on his days off to cover for dispatchers taking lunch. He is no longer able to come in on overtime to cover for lunch.

From other interviews, I learned that dispatchers are allowed to take lunch and breaks, but they cannot leave the building. If they need to leave the building and go somewhere, they need to take paid time off. If they are going for a walk around the building, they take a radio and return if it is an emergency. The latter incident does not require PTO time. A dispatcher is allowed to go to a restaurant and pick up lunch for those who are working and want to order lunch without using PTO. Dispatchers are only required to punch out when they leave for extended periods which should not occur as they should schedule their errands on days that they are not working to avoid extended lunches and leaving the building.

Michael Connole

On October 2, 2024, Heintzelman interviewed Michael Connole. Connole is a Patrol Officer who began working in January 2021. He used to work in Dickinson as a Patrol Officer in the Narcotics Division. Dickinson is a town of about 30,000. He moved back home to Minot. Connole has been very lucky working in the department. He is currently working under Lieutenant Chapman as he is one of the canine officers. He works afternoons, noon to 10 o'clock. He does not understand why they are not all working 10-hour shifts for the amount of people that they have and the staffing needs. In Dickinson, they worked 12-hour shifts, but he believed it was an officer safety issue.[10]

Connole remembers a time when Batteiger's dog was aggressive to Connole. Batteiger did nothing in response to the dog's conduct. Connole is the officer who identified the problem with the drug kit. He was in the process of training his dog and he was working with Taylor Jensen. Connole stated that Batteiger was pushing to get the drug kit destroyed before Connole had access to it. The drug kit is used for training the canines and has tracked drugs including pure heroin from the DEA. There are strict guidelines for obtaining and destroying the drug kit. There are also strict training record requirements. Connole said that Jensen and Batteiger clashed regarding how the dog was being handled and trained. Connole said that while they were working through the process of destroying the drug kit, Batteiger tried to have the drug kit destroyed.

Connole indicates the administration makes a lot of promises, but does not fulfill them. For example, members of the department worked on a beard policy, but it was never implemented. He has not had a one-on-one meeting with the Chief. He has not received his 2023 performance evaluation. He is used to getting a six-month or yearly evaluation. He has had some interaction with Chief Klug, who acknowledges him by saying "hi."

After Connole receives his canine, he has to submit receipts for his expenses every month to Sundbakken. Connole feels that the administration lose the receipts monthly. They are always hounding him for the receipts, but he has turned them in. He thinks that the Captain should not be doing that administrative work and does not understand why they can't be more organized.

He does not believe that the administration takes any officer's suggestion seriously. Sundheim asked for input on the shift layout. Officers looked at the plan and sent him a proposal. Sundbakken sent back to

[10] Twelve hour shifts are utilized when departments are down officers or when officers seek a shift that gives them more days off.

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him within 10 minutes and did not take any of their ideas. They also have a Sergeant Sumlin on a forced enforcement assignment. It is a detective position, but he's not supervising anyone. Connole believes that he is a sergeant and he could be on the road helping patrol.

Connole said that he took the Master Officer test in February. It took another month for him to get paid as a Master Officer, and it took even more time for him to get the pin, and recognize that he was a Master Officer. Connole believes this is an example of how the administration disregard for the individuals or their accomplishments.

Lisa Jundt

On October 2, 2024, Heintzelman discussed with Lisa Jundt. She's been working at the city for 12-1/2 years as the Human Resources Director. She indicates that the Police Department has a policy regarding discipline and utilizes a disciplinary matrix when making disciplinary decisions. The Police Department comes to Human Resources with sensitive issues such as mental health. The department and City have a harassment policy, complaint procedure, and grievance process. Generally speaking, individuals do not come in for their exit interview. Human resources call them as soon as human resources know they're leaving, but generally, they do not come in.

Jundt did not know that Lieutenants McLeod and Haug were conducting exit interviews with officers.

Dan Batteiger

On October 2, 2024, Heintzelman spoke with Dan Batteiger.

Batteiger has been with the department for five years. He came from Colorado in the western part of the state. He worked for four years in Crested Butte, Colorado. He has a year with the Ward County Sheriff's Department and then came to the City of Minot in 2019. He works, the day shift on patrol.

He doesn't have too many issues with the department. He thinks it's run in a "old-school" fashion concerning technology. During briefings, they read the case docket, but do not give out too much information on the activity on the shift prior or the street activity.

He works the night shift with Lieutenant Scott Redding and Sergeant Schoenrock. He's had some difficulty at the department regarding a pursuit involving an ATV after the state fair last year. He worked the night shift with his canine, but had difficulty with the logs and tracking. He is not good at putting in information. He was recommended for the canine program by his Sergeant. Another canine handler, Sergeant Pappenfus was retiring his canine and that's how Batteiger joined the program. When asked about the lost heroin from the canine kit, Batteiger said he was hiding different amounts to see if the dog would alert. Somehow the dog failed to find the heroin. He lost the dog for failing to train the dog. He was also removed from all instructor positions, but he was not given any suspension time. This was in March of 2024 when his dog Cyrus went to someone else. Batteiger was having trouble reading the dog. He was told that after six months if his workmanship improved, they would consider reinstating some of his teaching privileges.

Three years before that, he received some letters regarding a pursuit with a City employee in the vehicle. He was conducting a ride along with a dispatcher and he engaged in the pursuit. He also had some trouble with another officer, Becker. He was separated from his wife and was living with Becker. While he was

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living with Becker, there was some issue with his relationship with a domestic violence victim that he met while on a call. The relationship was short lived, but Becker found out about it and he ultimately moved out of her residence. He indicates that he had no problems with Becker and he is unaware of why she had problems working with him.

When he attended canine school, it was the toughest school he ever had to attend. They were very active in working locations and he was working with a green dog. It was a long process. Since then, he's moved to the day shift, 7:30 a.m. to 5:30 p.m. It's much busier than the night shift, but it is a much tighter shift. The day shift checks on each other. Batteiger claims he has worked to get himself in a better place.

He doesn't have a comment on the internal investigation. Some of the commanders were trying to change policies like the grooming standards and some things were changed and some things were not. There were frustrations with the rejection of suggestions. He never saw the administration and the hallway to the administrative offices is called the “ivory hallway.” People have frustrations with the administration regarding the communications coming from the administration. He denies recording people on the night shift.

He was asked about his responsibility to purchase Christmas gifts for the sergeants and lieutenants on his shift. He gathered money and was supposed to buy custom action figures of each of the lieutenants and sergeants. He put the orders in, but he has not received all of the action figures. This was for Christmas 2020. He received them in 2021. He was waiting to get all of them. When asked why he did not refund any of the money, Batteiger indicated that he had no reason he had just not put any effort into it. Lieutenant Wegner brought this situation to his attention in the spring of 2024. However, at the time of our discussion, he had not done anything in response to that conversation.

Stephanie Stalheim

On October 16, 2024, Koelbel and Heintzelman spoke with Stephanie Stalheim regarding the investigation. Stalheim is the City of Minot Attorney who handles City Council meetings, misdemeanor violations, and City Council departmental questions. She is the municipal attorney, but does not engage in civil litigation on behalf of the city. She addresses some human resources and municipal issues. She started with the City as an Assistant Attorney in 2015 and the City Attorney in 2022. She is aware that 2022 was a difficult year for the city in that Pat Blanchard committed suicide and Tami Peterson, an employee who worked in dispatch, but provided EMS services to the City was killed in a motorcycle accident. Stalheim does not have personal knowledge concerning any of the underlying conduct as she was not working for the City in this capacity in 2022. Her involvement has been with the request for this investigation for the most part.

Assistant Attorney, Nick Schmitz, handles most of the B misdemeanor hearings. She was not involved in the process of promoting Chief Klug to the Chief’s position. Two panels interviewed him. She has no involvement in the Chief's disciplinary history. There was an investigation in 2020 or 2021 regarding a claim of disparate treatment but she was not involved.

On February 6, 2022, the City and various media outlets received an anonymous e-mail. The City received the e-mail on the website citizen request. That was the first she'd heard of those issues with Chief Klug.

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The City has a complaint policy or process. If it gets a complaint, it can go to the Civil Service Commission, which is the hearing body that is comprised of three people. The City Attorney's office does not investigate personnel matters, but the Human Resources Department does investigate some of those issues.

Stalheim had heard about inconsistent discipline. She is not really involved in disciplinary issues unless Chief Klug or his predecessor Chief Olson would come in to talk to her about what was going on. She was aware that there was an issue with Shannon Lackey and her interactions with Jenna Bjork. After Lackey's conduct at a bar called “The Spot” there was a call and a disorderly conduct investigation and she resigned.

Stalheim says that either Chief Klug or a Captain will attend meetings with her but they find themselves in the same place time after each meeting. There's a lot of circling back on issues and information and things seem to take a lot longer than they need to take. She doesn't believe Chief Klug is delegating enough of the responsibilities or if he is delegating, he is not giving the delegate the full authority to make the decisions. She's not sure why he is micromanaging people. All of the upper management appeared to be working 8:00 a.m. to 4:30 p.m. You don't see them afterward. She thinks that the Police Department issues stay within the Police Department and they don't utilize Human Resources or the administration or her office to work through matters as much as they could or should.

She does not work with Margaret Haugen on a daily basis and had no involvement with her promotion to PSAP Manager. Generally speaking, if people bring things to her attention, she plays the role of the mediator and tries to bring two people together. People in the Police Department are very conscious of not breaking rank and the need to talk to a supervisor before speaking to anyone else outside the department.

Concerning dispatch, the dispatch center was moved to its new location in City Hall. Margaret moved to the new location first. Her office is physically separate from the rest of the dispatchers in the new location. This physical separation may create a problem in overseeing the dispatchers. She believes that Chief Klug and Sundheim are holding monthly meetings with Margaret and the lead dispatchers to work through some of the problems. She has heard that Wayne Fahey is a good trainer and that he is adding new policies. She has also heard that he has a good relationship with everyone.

She has never heard Chief Klug say that if people don’t like it here, they can leave. She knows that Chief Klug does not like to be crossed. When asked about Chief Klug’s leadership training, she knows that he went to the FBI Academy, but does not know anything else.

The City does have a contract with a provider for an Employee Assistance Program. Maggie Klug used to be a Minot Police Officer. She is now a therapist who is contracted with the EAP program. When Pat Blanchard killed himself, the availability of EAP was communicated to all officers. Maggie Klug was one of the therapists that may have been available. No one is mandated to go to Maggie Klug.

She is not aware of any domestic violence issues against Captain Sundheim. Shane Haug runs internal investigations. McLeod was the investigations Lieutenant before that time. Sundheim conducts some investigations when they are investigating people of higher rank than a lieutenant. All of the Command Staff were members of the SWAT team.

She is aware that Chief Klug is not as responsive as the City Administration would like. She assumes that it is usually, because something bigger has come up. The captains are pretty timely. She identifies the alcohol ordinance rewrite that took a long period. There was an issue with tobacco checks and alcohol

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checks, this is why when Chief Klug would send a captain they'd find themselves in the same place month after month after month.

Harold Stewart

On October 16th, 2024, Koelbel and Heintzelman spoke to Harold Stewart regarding this investigation. Stewart has been the City Manager for the City of Minot ND since the week after Christmas 2020. City Council appointed Chief Klug before COVID. Stewart was not involved in that process.

Stewart indicates that council members have been historically approached by patrol officers who want to provide information to the elected officials after they have not received a satisfactory answer from the Administration. They do not use the grievance or complaint procedure. He was not involved in the hiring decision for Klug as Chief and the information that is out there is a mix of rumor and speculation. He has told people to come talk to him directly if they have specific issues they want to address, they should come and talk to him, but no one has come to talk to him directly. In Stewart's perspective, since the alleged incidents regarding Chief Klug's current wife and alcohol use, he's been investigated and disciplined. He was promoted five times since then and he's been performing satisfactorily. If there is some new issue, Stewart will investigate it.

All of these issues, predate Fuller and Samuelson. There was a need for a new police station. Both Fuller and Samuelson have held up that process because they want to take care of these morale issues first.

On August 26, 2024, Fuller and Samuelson came to him to discuss the morale problems. Stewart told them that the information they were providing happened in the past. If there is something new then he would address it. Fuller came back and said that he had new information, because he has been meeting and talking to people about what was going on at the Police Department. Fuller's information was that Officer Batteiger had slept with a domestic violence victim and that he had lost 15.7 grams of heroin. This information was new to Stewart.

Stewart was very disappointed that Fuller and Samuelson had this information, but Chief Klug had not brought it to his attention. Stewart has repeatedly told his management team that bad things are going to happen and there are things that we'll need to deal with and they need to let him know what is happening. Stewart would rather hear it from them directly than from another source. Once a month, they have a meeting where the department heads can update Stewart and give information regarding personnel issues. The department heads are however free to contact Stewart at any time to discuss an issue that's going on in their department.

By way of example, when COVID began, the Chief said that no one should go into dispatch unless they're working there. A couple of officers shared their codes to get into the door to dispatch. Then, during the investigation, one of the officers lied about it and was fired. For that incident, Stewart was kept advised. Concerning the heroin issue, Chief Klug did not advise him of that situation when it occurred. This is not the first time Stewart has managed a Police Department. They are siloed and protective of their own and they don't want to interact either with the administration or the Human Resources Department. Klug has been inconsistent with notification. If there is an officer hurt or injured or an officer-involved shooting or a shooting in a bar, there is an update and they reach a consensus about how to handle the situation the next day. But concerning personnel matters, Chief Klug does not provide the same updated information. Captain Plessas has been much better about keeping Stewart updated. The City has a grievance process which ultimately comes to him but it is not utilized much.

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Stewart works with Chief Klug on the budget process. It has been very adversarial. Chief Klug was having difficulty working with Stewart. He would blow up at the meetings and then come back and apologize. Stewart believes that Klug would talk to his wife about having a good relationship with the administration and that's when he would come back and apologize. He had a very tough time when he was having personal problems and his behavior was very inconsistent.

Stewart does not think the leadership in the department and communication is where it needs to be. The two Captains are Sundheim and Sundbakken. Sundbakken has been with the department for a long time and is a nice guy, but he does not have the qualities of management. He does not seem to exercise leadership or direction. He's far more task-oriented.

Before being promoted to Acting Chief, Stewart did not have much interaction with Plessas. He recalled a meeting between Chief Klug, Plessas, Sundbakken, and Sundheim where they wanted a new position as a public information officer. Officer Moss was supposed to be the community outreach person, but they were not getting sufficient bang for their buck from his performance. The Fire Department also needed a Public Information Officer. Stewart told Klug and the captains that he could not get additional personnel for their department, however he could support having one Community or Public Information Officer for both the Police Department and the Fire Department and other city departments. They became very adversarial including Plessas. None of them could understand that he was on their side and trying to do the best he could for them, but he was limited in his capabilities. There was no reason that one person couldn't support both the Fire Department and the Police Department as a Public Information Officer. Maybe the following year, they could increase the budget for that position depending on how the position functions. Since that time, Plessas has stepped up and done a nice job in the Acting Chief position. He has been far more supportive and communicative. He shares his position and once a decision is made he will execute it. Stewart did not get that kind of performance and response from Chief Klug. Plessas appears to have the trust of the department.

Sundheim is extremely defensive of Chief Klug and himself. He gets pretty heated and Stewart is not impressed with his leadership capabilities. Sundheim was involved in the development of the dispatch center. This was new to everyone that participated in the process but Sundheim made it harder than it needed to be. He believes that Sundheim is more of a dictator than a leader.

Stewart is aware of an issue concerning creating a grooming policy so that the officers could have beards year-round. A committee was established and a grooming policy was created, but it has not been implemented. Stewart thinks this is a problem because the Chief has not executed on the policy or told the department that he was not going to accept their policy.

Stewart has made changes to the PTO policy, which was based on staff input. He expected that his department heads would talk to their personnel and bring any concerns to him that were expressed by the officers. That was done and he implemented some of the ideas he received.

Klug’s reaction to a new issue depends upon what mood he's in and whether he agrees with it. Stewart has had to tell him directly that he will do certain things. It has been difficult working with him on budget issues . He has been slow to come to the bigger picture of being a manager and looking at the entire organization. Klug’s focus is on the Police Department and while he advocates strongly for the Police Department he has a hard time prioritizing his needs. By way of example, Chief Klug pushed hard for this Public Information Officer position, but they also needed more dispatchers that year. Stewart thought the dispatchers were more important than the public information officer. Similarly, he asked for other

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positions such as a forensic technician who works on computer files. In Stewart's opinion, he would have prioritized the forensic technician over the PIO. Sometimes he questions Chief Klug's logic and judgment.

Chief Klug knew the Assistant PSAP Manager who died in the motorcycle accident shortly after being hired. He also took some personal blame on the Blanchard situation. He was slow to get help for himself even though he advised officers to go to the EAP program. He believed Chief Klug's lashing out was a result of these deaths.

Another situation occurred concerning the vet clinic that provides shelter for the stray dogs that they pick up. Stewart told Chief Klug that he should make sure he has other options in case the clinic can no longer handle the stray animals. Chief Klug did not do so and this year, the vet clinic told the City that it would no longer provide shelter for the strays after the end of the year. Now Chief Klug is struggling to find an alternate location on short notice.

Stewart has talked to Chief Klug about the fact that the command staff works Monday through Friday 8:00 to 4:00. He asked him when the last time was that he visited a night shift or came in on the weekends. He has not been disciplined for his performance. It is Stewart's position that the City should not go back and discipline Chief Klug for incidents that occurred many years ago, particularly since he assumes that they have disciplined for those behaviors. Stewart believes that there is much more team building and training that Chief Klug needs to do in Dispatch. He has informed Stewart of some of those issues but there is more for Chief Klug to do.

William DeNovio

On October 28th, 2024, Heintzelman spoke to William DeNovio. DeNovio has been with the Police Department since 2019, but he left to go to New York for a year and returned in 2022. He is currently in Investigations working as a Detective. He spent four years in the military and five years in the National Guard.

DeNovio does not have any complaints. He likes his job and believes he is treated well. He wanted to ensure that this investigation was not about individuals' personal complaints and that we knew that there were people who were doing well at the department.

If there was anything to discuss, it would be the communication with the administration. His comments were similar to others in that questions that are asked of the sergeants and passed up do not seem to get answered or take a long time to get answered.

He also thought there was a lack of transparency in issuing discipline. While he understands that people do not need to know everyone else's discipline, there is a level of information, particularly when someone in command is gone for some time and then returns without any information whatsoever. It is unsettling and creates an environment where there is a lack of trust. Some sergeants and lieutenants hold officers accountable and some do not.

Some are tougher on report writing than others. however, what is required under the law is the same and if the reports are not written well, then it is embarrassing for the officer in court, the victim and the department in court.

He also recounted a situation regarding use of force where the issue was presented to a Lieutenant and Sergeant who reviewed body camera footage and indicated verbally that there was no issue and nothing

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to report. Accordingly, reports were prepared and then the body camera footage came to light and an investigation was conducted. He subsequently received a letter of reprimand indicating that his use of force report should have been more explicit regarding another officer's conduct. An investigation was conducted several months later in response to public exposure of the video.

Darren Dyke

On October 28th, 2024, Heintzelman spoke to Darren Dyke. Dyke has been with the Police Department over 20 years. He is the lieutenant responsible for investigations. He took the lieutenant's test and was selected by Chief Klug. Another Sergeant who applied was Schoenrock. Dyke was selected over Schoenrock and Schoenrock was not happy about the fact that Dyke was selected over him. Schoenrock started complaining that Dyke was sleeping with the human resources employee and he cheated on the test which is why he scored so high and was selected. Schoenrock made this complaint in the 2021 third party investigation. The complaint was unfounded. Dyke explained that he listened to all of the testing materials on audiobooks and that is why he did so well.

He wanted me to know that Schoenrock's allegations were false. He knew the human resource person because they had both been involved in training for the department. Nothing more. He had no issues in the department. He tries to stay out of the gossip and rumors and do his job. He did not have any other issues to discuss with me.

Schoenrock raised the same allegations in 2021 and that report, which we reviewed, also determined that Schoenrock's allegations were unsubstantiated.

Cheryl Gessner

On October 28, 2024, Heintzelman spoke to Cheryl Gessner. Gessner has been with the Police Department for 35 years. She is currently Chief Klug's Administrative Assistant. She said that she has known Chief Klug for many years and gets along with him, but she says that he has been pushing her out of her job for several years. She said that Chief Klug has removed all of her duties and responsibilities and she has nothing left to do. At one time, she did payroll and accounts payable and receivable for the Police Department. Payroll took a lot of time because it was done manually and she had to correct a lot of input to ensure that people were paid correctly. Now, payroll is automated and she does not have to do it.

Gessner indicated that the Chief wanted the Captains to sit near his office so he moved her into an old office with no windows. She called it the "dark office." Then she was moved into an office in records. She was then moved back into the dark office. She has tried to find things to do in the Records Department and Investigations but they have their assistants as well.

I asked her whether Chief Klug told her that there were issues with her performance of her job duties. She said there may be some things on her performance evaluation, but nothing significant.

She said that she is not ready to retire, but Chief Klug has removed all of her duties and there is nothing for her to do.

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Caisee Sandusky

On October 28th, 2024, Heintzelman spoke to Caisee Sandusky. Sandusky has been with the Police Department for approximately 18 years she worked in patrol and then was assigned as a School Resource Officer. She worked as an SRO for eight years. She is currently the Administrative Sergeant that is responsible for community outreach.

When Chief Klug came out with the idea to move people around, it started in patrol. Officers were very upset. She thought it initially came out in an email. When she heard people complaining about it, she told them to ask the Chief why he made that decision. Ultimately, there were some meetings to discuss the changes. Chief Klug then included specialty assignments into the rotation so she knew that she would be moving. She figured that if she had to move, she might as well take the promotion test. She took the sergeant's test and was promoted to the Administrative Sergeant's position.

She also said that Chief Klug has been very supportive of her after she left the SRO position and has allowed her to stay active in the State SRO program. He has also been supportive in her new role as Administrative Sergeant. She does not have any hesitation in walking into his office and asking him a question. He will provide the answer or tell her that he has to look into it. Sometimes, he gets back to her and sometimes he does not.

There is a divide between the sergeants and lieutenants regarding the amount of information that is transmitted down to the sergeants. there are times when officers will ask a question and she does not have the answer. She will ask a Lieutenant, but information does not necessarily come back responding to the inquiry. Communication is an issue in the department.

Christine Roberts

On October 28, 2024, Heintzelman spoke to Christine Roberts. Roberts has been with the Police Department for 16 years and works in the records department. Roberts told me that she did not have many complaints except her application for the Office Manager position. Roberts indicated that she and a woman named Trish applied for the Office Manager position. She likes Trish and has no complaints about her in the position. However, she does not think that her tenure with the City was given enough consideration. She indicated that when she was interviewed, the command staff told her that they were looking for new ideas for the Office Manager position in the Records Department. She said that she tried to give new ideas, but did not mention what they were when asked. Trish only had two years with the City when she was given the position. Roberts thinks that her years of service to the Department/City should have carried more weight. When asked whether she thinks she should have the position instead of Trish, Roberts said that she has no issues with Trish in the job.

Kristin Guerton

On October 28, 2024, Heintzelman spoke to Kristin Guerton. Guerton has 8.5 years with the Police Department. She has been a detective for the past two years.

When she heard about Chief Klug's desire to move people to other shifts, she had a conversation with Captain Dale Plessas and Lt. Darren Dyke. They told her that she would not be moved and that she could stay in the investigations division as long as she wanted to stay there. She indicated that she considered participating in the promotion process, but she does not the trust process. She is concerned that there is

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a lack of consistency in the training of patrol officers in that the reports that come to investigations and the affidavits that are submitted for warrants are, at times, poorly written, i.e. missing the elements of the crime, or a cut and paste from the police report which affects the effectiveness of the prosecutions. She also believes that there is no consistency in the FTO training. She is concerned that with hiring issues that the department is experiencing, the department is more lenient in passing an officer through the FTO program. Previously Shannon Lackey was responsible for the FTO program, and she was tough. Now, Captain Sundbakken supervises Caisee Sandusky who is responsible for the FTO program.

From her perspective, people are not being held accountable. Sergeant Greg Johnson works in investigations. He does not know how to draft a warrant or investigate a case. There are cases of domestic violence and sexual assault that he has let sit on his desk. When she went on maternity leave, her duties fell on Stephanie Lentz to handle. When she returned, she picked up a "gnarly stalking case" that Sgt. Johnson was not working up.

No one uses Greg Johnson, because he is lazy and has not been held accountable for his performance. Everyone, including Lt. Darren Dyke, go to Sgt. Shane Johnson, because he gives feedback and offers help. Greg Johnson is a nice guy and no one wants to hurt him, but he is not pulling his weight. She recounted a situation where they were executing an arrest warrant in a homicide case and Sgt. Greg Johnson went over the radio and asked what case they were executing the warrant on. A supervisor that cannot do an officer's job and does not carry their weight is a problem for the department. There are five Investigators, two Sergeants, one Lieutenant and one Captain in the Investigations Department.

She was concerned that the ADP process wanted her to input her evaluation of the supervisor before her evaluation is done.

Guerton was on a search warrant when she was pregnant. During the execution of the search warrant at the end of 2023 at the Henderson Residence, Sgt. Gary Johnson stood at the doorway and watched everyone work. Erin Bonney, who has worked at few a police departments. She moved to the east coast. She spoke her mind about Greg Johnson in her exit interview. A lot of people feel bad because he is a nice guy, but he is not pulling his weight.

Guerton believes that there is a morale issue, because some people not carrying their weight. She believes there are inconsistencies in holding people accountable. By way of example, she believes the supervisor should read an affidavit before notarizing the affidavit. She does not think all supervisors read the affidavits, because sometimes she will get them and they are a "copy and paste" of the officer's report with a lot of unnecessary information in the affidavit.

There was a Uniform Committee established to review the beard policy and other uniform issues. They "busted their asses" working on the policy. Cole Strandemo did a ton of research for the policy that was presented. It addressed uniforms, hair, hats, etc. They were all passionate about it and it gave the officers a chance to participate in the process. They are not working on it anymore and it has fallen by the wayside.

Guerton said that "No shave November" went into December and carried through April. A day before May 1, when people would be required to shave, everyone was asking what was happening with the approval for the Uniform Policy. No one knew and nothing was implemented by the Chief after all the officers put in all that work. It is a morale issue. It did not cost the Department any money and the officers all worked hard and received no answer from Chief Klug with no explanation as to why there was no response.

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As a result of the recent officer-involved shooting, Acting Chief Plessas sat down with every shift and explained what the process was for the investigation. He also read the victims' wife's response to a post on Minot Whiners and Complainers that attempted to criticize the police in their response. It was very well received.

She said Chief Klug is on the ND Post Board. She feels comfortable talking to Chief Klug, but there is a lack of communication in other areas. She suggested that I review Erin Bonney's exit interview. Lt. Haug and Lt. McLeod do exit interviews for the Police Department.

Shawn Wegner

On October 31, 2024, Heintzelman interviewed Shawn Wegner. He has been with the Police Department for 24 years. He was promoted in the summer of 2015 to the rank of Lieutenant. He is currently working in Patrol from 8-4 p.m.

Wegner has good things to say about the Chief and command staff. When officers have different struggles, Chief Klug goes out of his way to assist. There was an officer who had alcohol issues. That officer was sent to Utah. Another officer was struggling with depression and the Chief supported him in going to Florida to seek assistance this summer. There was another officer, Becker, who was struggling with a mental health issue and Chief Klug did several things like rearranging schedules and constantly accommodating her.

Wegner knew Chief Klug when he was a Captain in the Investigation Division. Chief Klug recognizes how this career changes a person and tries to help from the wellness perspective. He knows of another individual who was struggling with retirement and with alcohol. The command staff had discussions about how they could help the individual.

He knows that the City Manager identified unfair discipline as an issue, but Chief Klug implemented the disciplinary matrix to be more transparent and create a level playing. Even with the matrix, not everyone knows all the facts, but they still claim unfair discipline. Not everyone is the same and it will not always result in the same discipline. An ongoing issue is missing court. The department is trying to standardize the consequences for officers who miss court. But the consequences may differ if it is a first offense or a third offense.

The supervisors keep separate files for written documentation of counseling memorandum and written warnings. Lieutenants can issue letters of counseling, but a letter of reprimand then goes to the Chief. There is a shared drive where sergeants, lieutenants, captains and the Chief can access any counseling memorandum.

Wegner says that this is the fourth chief that he has worked for and Chief Klug is constantly pushing communications to the department as a whole. The email system was antiquated and so they selected an app called Evertel which can be put on everyone's phone so they have access to communications from the department. Evertel has different rooms where information can be provided. Some rooms are for sending department-wide information, some is for supervisors and some are for particular divisions. The officers are not issued phones. There are work phones assigned to patrol cars and all detectives have work phones. it is easier to get people to put the app on their phone than email and the app is compliant with CEGIS because the communications relate to criminal justice information. The app has safety systems in

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place so people cannot copy the messages. There is no requirement for the officers to check the app daily. The app was also added to the computers.

Wegner believes that Chief Klug is very approachable. Every time he tries to talk to Chief Klug, he never turns Wegner away. There have been very few times that the door is shut and he is in his office working. Wegner believes Klug is busy throughout the day and then sends messages later in the evening. That is his level of dedication.

Wegner comes from 30 years of military service. Sometimes, when the command has been around for a long time, they are retired in place. Chief Klug has the same drive and works hard. He replies to emails at night and sends them at all hours.

Wegner indicates that the recent Batteiger issues were all "BS." There was no credible support to the allegations and BCI looked into it. Essentially, one of the cadets took a liking to Batteiger and commented on what she would like to have happened when she turned 18. There was no credence to any allegation that Batteiger did anything wrong.

About the one-on-one meetings, Chief Klug tried to do them but they fell by the wayside. Wegner had one and he thinks Chief Klug got through most of the department. Wegner suggests that if someone wanted a one-on-one and was missed, they should have asked to schedule a meeting.

Cole Strandemo

On October 31, 2024, Heintzelman interviewed Cole Strandemo. Strandemo started in May 2011. He is currently a sergeant on the night shift. He is currently the Administrative Sergeant on patrol and works 10:00 p.m. to 8:00 a.m. He has been a sergeant for two years. He is also the Commander of the SWAT team.

Strandemo wanted to talk about the discipline that was issued in the department. He said that the use of discipline has been poor. The sergeants have been tasked with implementing some discipline, but the major decisions regarding discipline are not made by the sergeants. Strandemo related that as the Administrative Sergeant, he is also involved in the FTO program. One of the sergeants on the road told Strandemo that an FTO, Jacob Olson was bad-mouthing other supervisors in front of recruits during FTO training. This happened in front of two different trainees. It was reported that all Olson did was complain about other guys. Strandemo went to administration with Josh Noyes and said that Olson should be removed from the FTO program. Chief Klug and Captain Sundheim were present and there may have been another captain present. This was Strandemo's first foray into discipline. They discussed the options and Chief Klug talked about how the department cannot allow this in the FTO program. There were two other FTOs in the program and Olson has been angry. Klug said that he was "not going to tell you [Strandemo] what to do." Strandemo said that he thought Olson should not be an FTO. When Olson went to the Chief about being removed from the FTO program, the Chief stated that it was not his decision. Strandemo is upset that the Chief basically threw him under the bus. Strandemo does not understand that as a sergeant making the recommendation, he also has to stand behind the recommendation that he made.

Strandemo believes that Chief Klug is mad at him about an off-duty incident that occurred many years ago. He does not have any support for that feeling. Notably, Chief Klug promoted Strandemo to sergeant and relied on Strandemo's recommendation for the removal of Olson from the FTO program showing a level of confidence and respect for Strandemo's opinion.

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He was also involved in the decision to remove Krista Becker as a sniper from the SWAT team, because she was unable to control her emotions. After she had her mental health issues, the SWAT team decided to keep her on the team, but she was suspended from responding to calls. She was given a road map of the things she needed to do to come back to the SWAT team. Everybody agreed, command staff and day shift all met with her. Strandemo was not a part of telling her that she was suspended from the team. Becker does not talk to him, because of what happened with the SWAT team.

Strandemo thinks that the only piece of paper that she was given indicated that she was suspended from the SWAT team and it somehow implicated him in that process. Strandemo had a one-on-one with the Chief.

He states that the testing for promotion has changed. They are moving towards an assessment center, which is an interview panel. It takes into consideration time on the job, education, and training.

Since the Chief's administrative leave, Plessas has been to three shift briefings. Strandemo is on the day shift now. However, he states that in the two years that he worked the midnight shift, only one Lieutenant attended a midnight shift briefing. Neither the captains nor the Chief attended a midnight shift briefing when Strandemo was working. They may have come on a day that he was not there, but he did not see them. He said that the pins for Master Officer and Senior Officer are left in the officer's mailbox. No one from the administration has come to a roll call to pin an officer.

When they recently had an officer-involved shooting, Acting Chief Plessas notified BCI on Tuesday or Wednesday; convened the investigation on Thursday and Plessas called the officer on Friday to let him know the results of the BCI investigation. This was Officer Lakoduk. Strandemo contrasts this incident with a use of force incident with Officer Collin Hall. It was reviewed by Lt. Haug and then given to the Chief. Hall did not hear a thing about it for over six weeks, because it was s sitting on the Chief's desk. Strandemo believes that the most recent officer involved shooting with Officer Lakoduk was investigated and cleared by BCI in a week.

In speaking to Acting Chief Plessas, the investigation into the officer involved shooting with Officer Lakoduk has not been completed by BCI and the Department is still waiting for the results of that report. That being said, it appears that Acting Chief Plessas was very transparent regarding the process and the support for the officers and Department.

Lt. McLeod is the Lieutenant in charge of Standards and Practices. He also conducts investigations and sends the report to the Chief for a decision on discipline.

Strandemo and the Intel Analyst reviewed communication programs for the department. He reviewed the one that Bismarck, N.D. police department used. Chief Klug did not select the same application. Strandemo says that for that system to work, the administration has to post regularly. In Bismarck, the Chief posted every day and the captains were also on the platform. The "atta boys" also came across the platform. Strandemo indicated that Chief Klug rarely posts to Evertel. We looked at his Evertel and saw that Chief Klug had posted before his administrative leave on September 11, 2024 on these dates: September 17, 2024; August 29, 2024; August 26, 2024; August 22,2024; July 24, 2024; July 20, 2024; and June 23, 2024. This does not include any "rooms" that the Chief may have sent communications that Strandemo was not a member.

Strandemo was also involved in creating the uniform policy that was given to Chief Klug in 2023. There were some issues with how officers were dressing for court. They wanted to update the policy for hair,

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jewelry, and piercing. Generally, in November officers can grow a beard if they donate to a charity. Strandemo was on the committee and he/they went to a variety of places, reviewed their policies and worked on getting a uniform policy to Chief Klug. Chief Klug did not have an answer by the end of November 2023 so he extended the no-shave November into December if the officers donated to another charity, approximately $20. It was extended through April 2024 and ended May 1, 2024. Strandemo said that he has tested the respirators and believes the policy presented addresses any issues regarding the ability to obtain a seal on a respirator if the officer has a beard that complies with the policy.[11]

Jason Sundbakken

On November 1, 2024, Heintzelman met with Captain Jason Sundbakken. Sundbakken has been with the Police Department for 28 years. He was promoted in 2019 by Chief Olson. He is currently the Administrative Captain and is responsible for supervising the Administrative Lieutenant, Dale Chapman. He is responsible for the equipment, recruiting, social media sites, and records.

He is responsible for how the department recruits. He had a couple of officers, Roach and Shaide who wanted to work with Minot State University to help with recruiting. They were paid overtime and went to MSU as an outreach. They also sent officers to Alexandria Tech to the hiring fair. They usually send graduates of that school to attend the hiring fairs. They have a really good relationship with Lake Region State College in Devils Lake ND. He said that the problem with recruiting from the Criminal Justice program is that the people in the program want to be lawyers instead of police officers. He is constantly talking to staff about any ideas they may have for recruiting.

The director of MSU's criminal justice department is Dr. Rabe. He is not aware of a problem between Chief Klug and Dr. Rabe. There are times when Dr. Rabe is very difficult to get a hold of to discuss participating in his curriculum. They have had conversations with the college to try and participate in the curriculum to help with recruiting. Sundbakken states that police departments have a huge recruiting problem in that they do not receive same amount of applications or the quality applications that they used to receive.

There is a North Dakota Police Chiefs Association. There is also an MN Police Chiefs Association.

Sundbakken is responsible for the Records Department. Cheryl Gessner has been moved to Records. There have been some issues between Gessner and Roberts where Roberts called Gessner a "bitch." Gessner can be difficult to work with. She was the previous Chief's Secretary and has been with the department since 1989. She used to be responsible for the payroll system, but they have streamlined the process and implemented ADP in 2024 for payroll. The Chief wanted all administrative staff in one place to streamline workflow. Previously the administrative staff was very compartmentalized and they did not work together. Gessner was very unhappy with the move. Her current responsibilities are invoicing, billing, and payments in ADP. She does some work in MUNIS but she has not learned how MUNIS functions entirely. She does some of the review of expenses charged on the department credit cards and some requisitions

[11] Generally, the aversion to allowing officers to grow beards is because federal regulations prohibited beards if officers were going to use respirators. A beard prevented the officer from obtain a seal between the mask on the respirator and the officers face which created a safety issue. https://www.osha.gov/laws-regs/standardinterpretations/2012-09-14https://; ww.cdc.gov/niosh/npptl/resources/pressrel/letters/conformityinterp/CA-2018-1005-R1.html; Notably, NIOSH is in the process of re-evaluating how well respirators provide protection to workers with facial hair when using a beard band.https://www.federalregister.gov/documents/2024/07/25/2024-16351/partnership-opportunity-to-determine-the-fit-of-air-purifying-filtering-facepiece-respirators-worn

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through MUNIS. She is generally scanning and saving the invoices to the application. Currently, the Chief approves all expenses.

They thought that Records would be a better niche for Cheryl. She reviews invoicing. She also reviews obituaries and finds former employees who died and removes them from the systems. Sundbakken describes Gessner's job duties as "ambiguous." He says that she is a good performer. Her office has been moved four times since 2020. Gessner was allowed to work from home during COVID, which may have created some issues as the department delivered hard copy papers for her to work off of since she could not access all of the systems from home.

The Office Manager position identified by Roberts was the Records Manager position, which is held by Trish Guthrie. Guthrie does a great job. When the command staff was interviewing for that job, they were looking for a person who could present new ideas. Guthrie did better than Roberts and was selected. She was interviewed by the Chief and all three Captains.

Community Outreach is handled by Caisee Sandusky, who is very busy and does not have enough support.

Sundbakken stated that the administration has discussed moving some positions to civilian positions (CSOs) so that sworn members of the department can be moved into patrol. Currently, they are talking about moving the two animal officers and traffic enforcement into community services and making them civilian positions. The administration needs to bring this to the City Council for the job description change and addition of civilian positions.

Sundbakken stated that he was part of the creation of the uniform policy. It was presented to Sundbakken and he sent it to the Chief. He has not received a response from Chief Klug.

Sundbakken indicated that when the decision was made to rotate people off shifts that they had been on for an extended period, there were some people, particularly the midnight shift, that was very angry about it. After Schoenrock was passed over for promotion, his personality changed. He was disgruntled. He would not say hi to people and responded very emotionally. As a result, the midnight shift also became disgruntled and this animosity created "cliques on night shift." At the same time, Chief decided to move the lieutenants off the midnight shift, because they were in the department sitting by themselves with not much to do. The lieutenants were reallocated so that there were two lieutenants responsible for patrol (instead of three), and one lieutenant was assigned to administration, one to investigations and one became the Standards and Practices lieutenant. The two patrol lieutenants stagger their shift and the department is still trying to figure out how to address and be present for the midnight shift. The idea behind moving the lieutenants off of the patrol shift was to give the sergeants more supervisory responsibility.

They used to have patrol meetings and the patrol officers received compensatory time for attending the meeting. They were not held regularly. Now there are command staff meetings and meetings with the sergeants and command staff. The sergeants are supposed to pass the information on to the patrol officers. The Chief and captains do not show up at roll call because they are busy doing their own work. The command staff meets every Monday and every other week the command staff meets with lieutenants. From there, information is supposed to be transmitted to the sergeants and officers.

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Sundbakken believes that the Chief was able to have one-on-one meetings with the majority of the department. The purpose of the Evertel system was to convey messages to the department in a manner that is CJIS (Criminal Justice Information Services)[12] compliant.

Sundbakken has heard Chief Klug say that "we are all replaceable" in the context of the mission of the department must continue whether or not one individual person is present.

Sundbakken is also in charge of the department's random drug testing process. While the testing procedure requires a 2-hour notice, Sundbakken gives more advanced notice of being selected for a drug test because of the needs of the patrol operation.

When asked about some of the issues Alderman Fuller had regarding former officers, Sundbakken told me that Jay Laudenschlager had an injury to his cornea. Chief Balentine assigned him to Investigations. Laudenschlager was promoted to Sergeant at the same time as Sundbakken. There were concerns that Jay Laudenschlager was coming to work with alcohol on his breath. He had conversations with Jay Laudenschlager about some personal issues with ultimately his drinking started showing up in his work performance. Once that started to happen, Jay Laudenschlager was told that he needed to retire.

Sundbakken indicated that Chief Klug has tried to address issues of inconsistency with discipline. He created the position of professional standards lieutenant and appointed Lt. Haug who also handles internal investigations. He created and implemented the discipline matrix and consolidated discipline into one investigator and containment in ADP which is accessible to all command staff. He has made a concerted effort to professionalize the process and make discipline consistent.

In a follow-up conversation, Sundbakken also told me that he had a heated argument with Roach regarding his request for training out of state. All training had been stopped because of exposure during COVID.

Justin Sundheim

On November 1, 2024, Heintzelman met with Captain Justin Sundheim and his attorney, Chris Redding. Sundheim has been employed with the City since May 2000. He has been on patrol, a member of the Drug Task Force, and was promoted through the ranks from Lieutenant to Captain. He is responsible for operations, which includes Patrol and Dispatch.

He was working in Investigations when Chief Klug was promoted in 2020. When COVID hit, the administration was working from home, although some of the administration still came to the office. The patrol officers were working on the street.

When Klug became Chief, he visited the issue of reallocating the lieutenants. Something the command staff had discussed with Chief Olson. They also talked about moving people out of positions where they may have become stagnant. It was very difficult for some people to think about moving. They also

[12] The Criminal Justice Information Services is a division of the Federal Bureau of Investigation (FBI). CJIS compliance requirements protect national security while safeguarding the civil liberties of individuals and businesses and shielding private and sensitive information. It is an integral part of securing organizations for law enforcement and civil agencies, with access to criminal justice information (CJI) and ensuring they do not become victims of cybercriminals looking to exploit CJI for ransom or cause public damage.https://www.compassitc.com/blog/what-does-it-mean-to-be-cjis-compliant; https://le.fbi.gov/cjis-division/the-cjis-advisory-process.

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discussed the need for the sergeants to be more involved in supervision. So, they changed to two lieutenants supervising patrol and staggered their shifts so that they could see all three shifts. This was not dramatically different from the weekends when there was no patrol lieutenant on duty. The midnight shift can call either the Lieutenant or Sundheim directly if they have an issue they need to discuss with a higher-ranking or more experienced officer.

It was not changed simply for the sake of change. If officers had issues moving their shift, or if there was some hardship that was created, the administration took that into consideration. Dan Wheeler is an example of an accommodation made. They did get a few requests for accommodations. They discussed the issue and hardship and Sundheim believes that they were able to accommodate every request made.

The officer meetings (Sundheim was unaware of the name "Free Talk Meeting") were not very productive. Sundheim made himself available a couple of times for officers to come to meet with him in a group. It was not mandatory, but some were told to come over by their Sergeant. He thinks about 20% of the department participated. Some officers were emotional about some of the decisions that were made, but Sundheim did not recall anything specific. When asked about the lower rating in Roach's performance evaluation, he indicated that it had to do with an altercation with Sundbakken. He did not say it was because of any participation in the Free Talk Meeting. Historically, the lieutenants prepared the annual evaluations such as in 2021. The Command staff wanted more input from the sergeants that worked with the officers daily so now the sergeants prepare the evaluations, it is reviewed by the lieutenant and then the captain, and then it goes back to the officer for a discussion.

The Chief normally does pinning, so he does not know if the Chief goes to the midnight shift and does pinning. He does not recall visiting the midnight shift himself.

They have moved away from testing for promotion and are trying to do an assessment center which may include people from outside the department. Generally, the captains will discuss the individuals and talk it through and then the chief will sleep on it for a day and make a decision taking into consideration input from everyone.

When asked about the "you are all replaceable" comment, Sundheim states that it is taken out of context. He has heard the Chief say that no one is irreplaceable concerning the mission of the organization. There is no one person valued over the mission of the organization. We want people to be happy at work and if they are not happy working at Minot Police Department then, life is too short; then go somewhere where you will be happy. But the mission of the Minot Police Department must continue whether you are here or not.

We also discussed the "Sammie Sosa kiss" or Hunger Games, a symbol of defiance. Sundheim said that it was the optics of people mocking the idea of "one shift" that resulted in one of the lieutenants suggesting that they discontinue the gesture. He did not think the intention was similar to the Sammy Sosa kiss.

The reason 2023 evaluations have not been issued is that they have a new process for evaluations. There are only two lieutenants and one has not been available for several months. Now with this investigation, there has been a further delay.

They have also talked about moving the ACO, Animal Control Officer, for which they have two, and the PCO, Parking Control Officer, for which they have one, to a civilian position. They must get City Council approval before they can hire civilians for those positions.

It has been difficult to manage the complaints from some that "nothing ever changes" versus others who are not receptive to change.

Chief John Klug

On November 1, 2024, Heintzelman met with John Klug and his attorney, Jesse H. Walstad. Klug has been with the department for 30 years in January. He was promoted to the position of Chief of Police on February 1, 2020. He attended the FBI National Academy in 2014 and the University of Northwestern Staff and Command program in 2010.[13]

He believes that he has completed the one-on-one meetings.

Concerning the issuance of discipline, Klug is aware of the issuance of discipline but it depends on the level of discipline. There are many times when he does not know about discipline being issued, *e.g.* a counseling notice or a written reprimand. In the past, the department handled all discipline internally. He tries to utilize the Human Resources Department for certain matters, like suspensions and he also speaks to the City Attorney. He may send the report over to Human Resources for a review and ensure he is taking the proper steps consistent with City policy as well as department policy.

Chief Klug has monthly one-on-one meetings with the City Manager. He prefers in-person meetings with Stewart and thinks Stalheim prefers in-person meetings as well. They have had phone conversations about certain items too.

On August 26, 2024, Alderman Fuller told Stewart that there was a morale problem at the Police Department.

On August 30, 2024, Haug, Professional Standards Lieutenant, informed Chief Klug and Sundheim that there was an accusation against Dan Batteiger. Supposedly a cadet made a comment to her co-worker about being in a relationship with Batteiger. The co-worker has a sponsor who is Jenna Olson. Jenna Olson works in the Sheriff's office. She reached out to Sgt. Jared Foley who is responsible for the Cadet program. Foley contacted the juvenile's mother. The juvenile's mother indicated that the juvenile makes statements about her desire to date after she turns 18. The mother looked at the girl's phone and did not think anything was occurring. Foley should not have contacted the juvenile's mother before notifying command, but he has received discipline for recent judgment issues. Chief Klug advised Sundheim and Haug to tell Foley and Batteiger that they are under notice of an internal investigation. The juvenile was out of state and would return on Monday, September 1, 2024, which was a holiday. When Chief Klug met with Fuller on September 5, he did not know the outcome of the interview with the juvenile.

On September 5, 2024, Chief Klug met with Stewart, Stalheim, Fuller, and Monica Porterfield (HR). Fuller was talking about Batteiger's disciplinary issues and that Batteiger should be terminated for losing the heroine in the drug kit. Chief Klug said that all of Batteiger's issues revolved around a period when he was having personal issues. He was getting divorced and this resulted in Batteiger making some bad decisions. Once he was able to get a handle on his issues, after the canine investigation, Batteiger was on a path of returning to be a good police officer.

[13] The FBI National Academy and the University of Northwestern Staff and Command program are nationally recognized and highly valued training for police department leadership.

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Jenny

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Jenny

Chief Klug said that he did not terminate Batteiger because he could not prove that he took the drugs or that he lost them. Chief Klug had policy violations from Batteiger, but before Chapman changed the policy, Batteiger complied with how the canine officers had typically handled the drug kit. Nevertheless, Chief Klug removed the canine from Batteiger and removed him from all of his training opportunities so that he could focus on getting himself together and being a good officer. He lost a lot of opportunity as a result of the investigation. Chief Klug also held Lt. Chapman accountable for not reviewing the logs and holding Batteiger accountable. Concerning destroying the drug kit, Batteiger's mistake was not involving Jensen in the process. They have to get DEA approval for the destruction of the kit. It cannot be done in the same manner as the destruction of other evidence under state law. Batteiger's mistake in thinking that the drugs in the drug kit are destroyed in the same manner as other drugs are destroyed was wrong. It is a mistake that other canine officers have made because they are unfamiliar with the process and do not destroy drug kits frequently. Chief Klug did not conclude that Batteiger was trying to hide his mistake by destroying the drug kit.

Chief Klug discussed his interactions with officers with mental health/alcohol issues. He recalled a session he attended at the International Association of Police Chiefs' conference where the discussion about officer wellness was not about whether we can terminate an officer's employment, but rather whether there is anything we can do to help them get fit to do the job. If an officer is having a personal issue that affects his ability to do the job, Klug believes he needs to know about it.

On August 30, 2024, Chief Klug received a call from a former council member that Alderman Fuller was in a bar sharing information about an ongoing criminal investigation. At the time, Chief Klug thought it was a Minot Police Department case. He spoke to Plessas who said that it was a highway patrol case where the incident occurred at the fair. Klug recounted that Batteiger responded to the crash and the passenger in the car was a deputy's son. Becker also responded to the call. The case was given to the highway patrol, because of the potential conflict with the sheriff's office. Sgt Ruelle was there as well. When the highway patrol showed up, Becker walked around telling the highway patrol to check everyone's body worn camera to make sure everyone is telling the truth. As it turned out, the accident and response happened as everyone said it did. However, Becker is the officer who stated that she would not back up Batteiger. Chief Klug felt that her statements on the scene were a concern and thought the Sheriff should know about her statements that she would not back up one of Minot's officers.

Minot Police Department will back up the Ward County Sheriff's Department and vice versa when necessary. Chief Klug does not know if there is also an intergovernmental agreement to that effect. He is unaware of any issues between Minot Police Department and the Sheriff's office.

Klug believes that Fuller has an internal source at the Sheriff's Department to obtain information and he is sharing information publicly. Chief Klug and Sundheim had a meeting with the Sheriff and Chief Deputy Larry Hubbard later on September 5, 2024. No one knew about the meeting with the Sheriff except for the attendees.

Before Fuller left the meeting on August 30, 2024, Fuller asked two questions:

- Did you schedule a meeting and Larry Hubbard regarding Kristen Becker; and
- Is there anything else on Dan Batteiger?

Chief Klug told him that he had a meeting with the Sheriff but stated that there was nothing else on Batteiger. Chief Klug intended to tell the Sheriff that Fuller had someone inside the Sheriff's Office

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Ward County

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Did you schedule a meeting with the Sheriff and Larry Hubbard to discuss Krysta Becker after you found out about my records request?

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Is there anything else we need to know at this time concerning Dan Batteiger?

providing information to Fuller about investigations and, the second piece of information was about Krysta Becker's statements from the incident at the fair.

When he was asked the question by Fuller, Klug knew that there was an issue with a juvenile, but did not know if there was anything to it. He did not want to share with Fuller, because he thought Fuller was sharing information with others in a public setting. Chief Klug was waiting until September 9, 2024 to determine whether they needed to do an investigation or whether they could confirm the information with the juvenile. Chief Klug did not follow up with Stewart after the meeting to tell him about Batteiger.

Chief Klug does not believe he lied to Fuller, Stewart, or Stalheim because he did not know if there was anything to the allegations, and it turns out there was not, and he was trying to protect the integrity of the case, since Fuller is talking to people about cases outside of the department. He believes that Jenny Olson was the person who told Fuller about the recent juvenile case with Batteiger. Both Foley and Olson are mandated reporters but they are not mandated to report to Fuller or the juvenile's mother before reporting to the department. Nobody filed a complaint regarding Batteiger's conduct before the meeting with Fuller.

Chief Klug found out from Stewart that Fuller told Stewart that the Little Caesar's employee told Jenny Olson, who is a Sheriff's Deputy, Olson told Becker who then told Fuller about the incident with the juvenile.

Chief Klug did not call Stewart after the meeting with Fuller on September 5, 2024. After that meeting, Klug went to a meeting with the Sheriff. Stewart and Stalheim called Haug and asked if there was an investigation with Batteiger and a cadet. Haug said yes. Chief Klug admits that he does not always see eye to eye with Stewart, but they work together and work things out. Fuller is not following procedure and putting himself in situations where he does not belong. All of Fuller's inquiries should be done through the City Manager. He was placed on administrative leave on September 11, 2024.

The discipline matrix is modeled after the San Diego Police Department's discipline matrix with modifications consistent with Minot Police Department's operations. It has been a work in progress for the past two years and they are seeing how it works in the department. The discipline matrix is a starting point for a determination of the appropriate level of discipline. The decisionmaker must then factor in the employee's performance history and the specifics of the particular incident. Notably, counseling memorandums are kept in the department pursuant to the matrix.

The promotional process consists of a test and interview. They have implemented the review panel with scenario-based questions similar to an assessment center. There are more people involved in the evaluation process including people from outside the department.

Chief Klug admits that he dropped the ball on the uniform policy. They were too busy putting fires out and did not realize the impact on the organization.

Concerning the most recent incident with Lt. McCloud, Klug spoke to the Aida County, juvenile investigator who indicated that they would not have conducted the polygraph in the way that it was conducted. He also spoke to the investigator from Butte MT, who is a Sergeant and an SRO on the investigations side. Chief Klug does not recall any inconsistencies with McLeod, but does recall that the dates and years that the mother claimed they were with McLeod changed when she was informed that McLeod was not in attendance at the family event. Chief Klug indicated that there is a belief that the dad began the abuse but the investigators interviewed the mother with the father and therefore did not receive any

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... Batteiger due to his full schedule and finding out Stewart already had the information by the time he was available to call.

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I did not state this, that was my attorney's theory... please change it to the following: ...and believes Jenny Olson met with Fuller following his meeting with Chief Klug and that was likely the meeting he was referencing when he said he had to get going.

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used to consist of

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Strike this, it was actually reference the Ada County investigator.

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juvenile

information from the mother. Chief Klug investigated the incident, because Sundheim is friends with McLeod and Plessas is McLeod's brother-in-law. If a disciplinary decision has to be made, Chief Klug is the one who will make it.

Klug runs some of his personnel issues through Human Resources and some through the City attorney.

In 2020, the captains did the evaluations. That process has since changed so that immediate supervisors (sergeants) prepare the annual evaluations for the patrol officers.

When Schoenrock first applied for promotion to Lieutenant, Chief Klug had a colonel from the Air Force base sit on the assessment center. His comment to Chief Klug was that Schoenrock does not know when to stop talking. His inability to control his emotions may be mistaken for passion about the job, but in the colonel's opinion, he would not promote Schoenrock because he beats an issue to death. Chief Klug said that when he was applying for the Chief's position, Schoenrock said, "I'll do anything to get you in the job. Let me know if you need me or my wife to help." Chief Klug said that everything changed when Schoenrock was not promoted. Dave Chapman was promoted over Schoenrock.

Chief Klug does not recall Schoenrock asking for any accommodations, because of problems with his neck or sending Schoenrock for a fitness for duty.

I spoke to Chief Klug on November 8, 2024, and his attorney Jesse H. Walstad and asked some follow-up questions. Chief Klug does not have access to a list of people he had one-on-one meetings. He believes he may have spoken to 50% of the officers.

Concerning Kevin Cory. There was a lawsuit against the City and a settlement with a non-disclosure agreement. Cory had another incident and Chief Klug asked McLeod to look at the past year's body worn camera video to see if there was a pattern of violation of the code of conduct. If there is a pattern, then the Chief has to report the conduct to the Post Board. Even if Cory remained employed by the City, the Chief would have to report the conduct. They discussed the pattern that they observed with Cory's behavior and he ultimately chose to resign.

Concerning Erik Laudenschlager, he came to talk to the Chief about being passed over for promotion. Erik Laudenschlager said that he thought he was being passed over because of his father's alcoholism while he was an officer. Chief Klug told him that was not the case and that his dad does not work here, but you do. Chief Klug did not think Erik had demonstrated sufficient performance to be promoted over the other candidates. Erik made some other comments and the Chief responded that he was "not going to stop you from quitting." Erik Laudenschlager decided to quit.

Chief Klug believes that the only complaint is the beard policy, which did not rise to the level of a priority with COVID. However, the beard policy was presented in November 2023. Klug stated that he wanted to see what the officer's version of a neatly trimmed beard was after a period of time.

He has terrible leadership issues in Dispatch. They are trying to build the leads to take charge. He hears all the time that the "culture sucks", but unless we work on it, it will not change. It is not an option to fire everyone so we have to learn to work together.

Chief Klug indicated they did not implement any additional training or one one-on-one training as a result of the investigation in 2021 regarding Wegner. He stated that Wegner was recently recommended and recognized by the ESGR and was recommended for the award by a woman.

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were asked l y Ch ef K ug lo comp ete h s performance eva uat on t nce he was not go ng to get one otherw se

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The immed ate uperv sors (sergeants prepare e eva uat ons f the off cers and the rev ew is conducted by the eutenant ong w th e sergeant, f ava ab e

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Darren Dyke and Dave Chapman were both promoted over Schoenrock

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The ch ef l ad requested f tness lor duty eva uat on nd short y fter Schoenrock was eared to return to work

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Chief Klug points out that no one has appealed discipline or filed a grievance. At the time discussions regarding conduct occur, people act like everyone understands the process. He states that he has done the best that he could.

Chief Klug is unaware of any issues between Sundheim and his wife.

As part of this investigation, I reviewed numerous documents including some emails from Chief Klug. On March 18, 2021, Chief Klug sent an email to PD@cityofminot.onmicrosoft.com which is presumably the police department's group wide email. In that email, he addresses the fact that he has not completed the one-on-one meetings he promised to have with the members of the police department in April 2021. He then explains why he did not meet with everyone, "This meeting was intended to take place last year, but... YOU KNOW...COVID HAPPENED! 😊" (emphasis in the original). (Attachment 33 - A Hugg email 3/18/21)

On June 9, 2021, Chief Klug sent an email to the same email address addressing some concerns about his failure to meet with officers in the one-on-one meetings. Chief Klug was away from the office dealing with personal issues. He again uses all capital letters for certain words in the email. Chief Klug may not understand that the use of all capitals in an email is the equivalent of yelling.[14]

> I don't think I OWE an explanation, but as I prepare to ramp up my efforts to start this meetings, I want to be 100% transparent in the "WHY" I haven't met with many of you. To be clear, my Captains (your commanders) ALWAYS know what I am dealing with personally and professionally so they can help with answering questions if I am unavailable – don't hesitate to ask them if I am not available." (Attachment 34 - Klug email 6/9/2021).

He then proceeds to describe all his efforts to help his wife and address his mother-in-law's passing. He also discusses his work on the budget and what he is trying to do for the Department and its members by seeking more money. At the end of his email, he states:

> Lastly and most importantly, I will never turn you away from my office (within reason – such as if I am already in a meeting). Even if my door is closed – please knock. I will pause to talk to you and if I need some time to complete another critical task, I will ensure to set up a time we can meet that works for both of us. If you have an emergency you need to speak to me about – lead with that information when you talk to me. Each of you are my priority. The one-on-one conversations have been a great experience and very enjoyable conversations have been had. This process is important and each of you are important to my mission. Please, be patient. some of your co-workers have talked for almost 2 hours. I have not cut off one conversation once we start.

This email provides an excuse for the Chief's absence, in capital letters, and his busy schedule. As an afterthought, he identifies the employees and then puts them off. As of September 11, 2024, all of the one-on-ones were not completed.

Shane Haug

On November 4, 2024, Heintzelman spoke to Shane Haug. Haug is a Lieutenant in the Police Department. He has worked for the department for 22 years. He is the Professional Standards Lieutenant and conducts

[14] https://347group.com/email-etiquette-5-simple-rules/

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policy reviews; background investigations; and internal affairs for sergeants and patrol officers. Investigations of lieutenants and captains go to a Captain or the Chief.

On October 31, 2024, he attended training for the position. He participated in online training and in March 2024, he went to the Southern Police Institute in Louisville, Kentucky. He also went to staff and command school. The department uses Lexipol for policies. He reviews the policies and presents them to the command staff for approval. He cannot approve the policies on his own. Their personnel complaint policy is from Lexipol.

Haug, Wegner, and Sundheim had meetings about the radio issue that Shaide identified. Haug and Sundheim had their actual radios tested in the areas and they worked. They switched away from the two-wire microphone and now they don't have any problems with the radios. Haug does not recall Shaide bringing up his radio issue with Haug directly.

Haug was present during the Blanchard incident. Blanchard was intoxicated. Haug had Ruelle utilize the breathalyzer and confirmed Blanchard was intoxicated. At that time, they did not charge him with a DUI. They called him a ride and sent him home. Haug did not see Blanchard driving the car. He does not know what the punishment was, but he was removed from the SWAT. Haug knows that because Haug was on the SWAT team.

Roach was upset that he was unable to get a response back from Chief regarding free training. Haug remembers that the car was denied and then he was told that he could not go to the training. It was during or right after COVID. All training was stopped during COVID. He is not aware of an issue between Sundbakken and Roach on the training issue.

He does exit interviews, but does not know who reviews them. He prints off a copy and sends them to the Chief and Captains. They are not sent to the City or Human Resources. He was told to remove the names from the exit interviews because of records requests. There are no dates on the documents as well. The complaints he has heard about concern Margaret in dispatch and Greg Johnson in investigations. From patrol, he hears complaints about communication; training, FTOs and the Administration. Dispatchers complain the worst about Margaret. The PSAP does not have enough personnel to separate and move people around so that they spend less time with each other.

Haug enjoys the policy review. His predecessor was McLeod. Haig had no investigation experience. He enjoys the time and the policy updates. He writes a report and then gives it to the Chief for review. Sometimes he does not hear back from the Chief for a significant period of time.

Haug said that unless a Use of Force Board is convened, Haug cannot close the internal investigation until he receives the BCI report regarding the incident. He compared this to the recent officer-involved shooting involving Officer Lakoduk. In the Lakoduk situation, Plessas convened a Use of Force Board which included a member of the Sheriff's Department and an individual from BCE. There is a five-member Board that evaluates use of force when there is a fatality or serious bodily injury as a result of an officer's use of force. This Board convened in August/Sept 2024 and reached a decision. Along the same lines, Officer Hall had a use of force incident at a domestic in June 2024. Hall shoved a guy into the car. Based upon the evaluation, the Board concluded that there was a violation of the Standards of Conduct, but the Board exonerated the officer on his use of force. The report of that incident sat on the Chief's desk for nine weeks.

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On August 30, 2024, there was a report of an issue with a juvenile and Batteiger. Foley told him and Sundheim and they called the Chief. The accusation was from a girl from the Cadet program who works at Little Caesars. She is 16. She told a co-worker, who is 30 and is a rehabilitation specialist that she had a dating relationship with Batteiger. This came up during a discussion about "cute cops" and she showed a picture of Batteiger. Foley called her mom and the mom went through the girl's phone and there is no contact between the girl and Batteiger. Foley is in charge of the Cadet program. There was no opportunity for Batteiger and the girl to be alone. The juvenile denies that there is any relationship.

The City manager Stewart asked is there is a criminal investigation and to keep them apprised of what happened. Batteiger was put on administrative leave. BCI came in to investigate the allegation. Stewart and Stalheim asked if the Chief Klug knew about the allegation against Batteiger and Haug said "yes." Haug believes that Jenny Olson told Becker and Becker called Fuller and told him (Fuller) about the issue. Foley and Batteiger are under investigation.

Klug did not call Stewart after the meeting with Fuller on September 5, 2024. After that meeting, Chief Klug went to the meeting with the Sheriff. Stewart and Stalheim called Haug and asked if there was an investigation with Batteiger and a cadet. Haug said yes.

The lieutenants and captains had meetings to discuss the discipline matrix to create consistency. There is no reason not to have Human Resources involved.

Haug does not supervise anyone and has no ability to discipline anyone. He would be limited to counseling. The department has a folder for counseling and reprimands. This folder has been in existence for decades. Suspension documentation is stored in Chief's office and in ADP. Any officer that has discipline should have information there.

Haug keeps a list of complaints that are made against officers that he investigations in his capacity as Professional Standards Lieutenant.

Margaret Haugen - Dispatch PSAP Manager

On October 2, 2024, Heintzelman interviewed Margaret Haugen. Haugen has been the Public Safety Answering Point (PSAP) manager (Dispatch) since February 1, 2020. She's been working for the City of Minot for 17 years. Shortly after she was promoted, COVID happened. She was promoted the same day as Chief Klug.

In November 2023, the Dispatch Center moved into their new location at City Hall. It was difficult. The dispatchers remained in their previous location for several months before they moved over. In this new location, the dispatchers are down the hall from the main dispatch area. Her office is some distance away, so she feels somewhat disconnected from the dispatchers. They have been working 12-hour shifts for the past 3-1/2 years. Many are burnt out, although there is some negativity in the department regarding the shift schedules, they don't have enough staffing to move off of the 12-hour shifts. She is hopeful that they will get close to fully staffed soon enough, because they have three people in training then they'll only be down one person. Their training requires six weeks in the classroom. The new trainees are in their third week. She is hopeful that they will be in dispatch in November and December. Their minimum staffing is two people on a shift. They are given paid lunches and breaks. On a normal schedule, they would have three staff members and work 7:00 a.m. to 7:00 p.m. When they take breaks, if they are going to be in the area, one to two minutes away, they carry a radio. If they need to leave the facility, they take PTO

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time. They receive paid lunches of 30 minutes and two 15 to 20-minute breaks. They can always get up and get coffee or go to the bathroom unless they're on a call.

The starting pay is $22 per hour. The supervisor with the longest tenure is receiving $39 per hour, so they are competitive with other dispatch centers. She does not believe she micromanages the dispatchers. They are like one big family, but they are separated from the rest of the City. She moved in June 2023 to the new location and the rest of the dispatchers came on November 19, 2023 she thinks it is getting better.

After Blanchard's suicide, there was an assistant PSAP manager who had known many of the employees at the City, but she had only been working for the City for two weeks. She was killed in a motorcycle accident. They also had a former deputy killed plus they had to move their location. In addition, they have had two Assistant PSAP Managers. Haugen's opinion is that dispatch has a lot of upset people. She says that she recently hired a new Assistant PSAP named Wayne Fahy and he is fantastic.

She said that Sundheim oversees the Dispatch Center, but Klug is responsible for it. They have been having meetings regarding the morale and issues in dispatch between Chief Klug and the lead dispatcher trying to bring them into a supervisory position.

Barbara McPeak

On October 8, 2014, at 1:30 p.m. CT, Koelbel interviewed Barbara McPeak via Zoom. McPeak is a former dispatcher and PSAP Manager. She is now a retired employee. She retired on January 30, 2020, and returned to work for another two years as a dispatcher. She applied for the Assistant PSAP position to handle the training, scheduling, and problems in the dispatch center (training, recruiting, and getting people to position). The first Assistant PSAP was killed in an accident. Second Assistant PSAP, Juana, went back to Bismarck. McPeak has over 30 years in the Police Department and four years as PSAP Manager.

She retired at 76% at the highest two years by the time she was done with all.

She would come in to cover lunch breaks three to four times during the week, never on the weekends. For two years a month after she retired. Then she stopped being asked. She went on vacation and then came back in November two years later, in 2022, she told Margaret that she felt that Margaret was not doing as well as she should. Then she quit working part-time.

McPeak applied in May 2024. She feels there was no reason why she should not have gotten the position. She said she wrote the training manual and guides for the Dispatch Center. She wanted to try to get things back on track and mold someone to be the manager.

She was very upset that she was not selected for the Assistant PSAP position. She went to speak to the councilman, because she felt she should not be treated that way. She is 60 and has a good five years to give. She thinks she was not hired, because she is female. She now feels that they tried to make every position a male position. She could have sued. She was working 12-hour shifts. The interview was not normal, it felt more like a conversation. "One of the number one things to do is to fix the 12-hour shifts." She feels no one should sit for 12 hours for mental health and family reasons. If they want to leave the building, they have to take PTO or call in someone for a half hour. The Police Department has to pay overtime every single week for every dispatcher, because of the 12-hour shifts. From a manager's perspective that does not make sense. How does the budget work?

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She believes the PSAP Manager gets paid a ridiculous wage. It takes two or three weeks to get to know what is going on in the dispatch room. The Assistant PSAP who was just hired, Wayne, will take forever to get up to speed – eight to ten months, which is how long it takes to train a dispatcher. The pay is $80,000.00. He trained paramedics. So, she feels the cost is being wasted, which bothers her. As a citizen, she sees the money as wasted.

Once you get on the hiring list you stay on the list for one year so if Wayne did not work out then she would be next. She feels she gave so much to that place. Captain Jason Sundbakken notified her that she did not get it, not Chief Klug. She was told they were going in a different direction, but Captain Sundbakken was not involved with the hiring process and could not answer any questions about it. She had four letters of recommendation. The letters are included in the documents provided by the City.

Part of the reason she feels she was not hired is that she was friends with Margaret Haugen. Then at one point, she told Margaret she was worried for her when Margaret became PSAP Manager but Margaret made it work. Margaret said that she was concerned about the role reversal over coffee if McPeak was hired as the Assistant PSAP.

Chief Klug took over the day she left. She has known him for 20 to 25 years. He has major integrity issues. One night he got drunk and showed up at her house crying about his first wife. McPeak drove him home and sat with him while he and his wife tried and talked things out. He was good in the lower ranks. You form a bond with these brothers. He never bitched or complained even if he was dispatched to an undesirable call.

Chief Klug “was super pissed” at her, because in the interview she brought up that the long shifts cause the customer service level to go down. She used to be friends with Chief Klug. One reason he would not want McPeak back is that she has a voice. He would have been concerned that she would have found out about the “bs” that was going on in the Police Department. She could not believe some of the stuff that happened at the Police Department. She would find out from everyone else. She never had any firsthand problems with him. But as soon as he got the Chief position it went to his head. She later believed that he didn’t care if she applied for the position or not.

An SRO officer told her that she should have gotten the position. She feels that once she was not hired the camaraderie changed, because they all felt she should have gotten the position. McPeak expressed that there are many issues with the dispatch team from top to bottom. The reasons follow: Margaret could not make a decision; people are negative towards her because she is always answering only to Chief Klug and Captain Justin Sundheim and not standing up for the dispatchers. For example: The move to the new Dispatch Center. The setup is awkward. Everyone faces the wall. Captain Sundheim’s answer that it was for ADA compliance did not make McPeak happy. The dispatchers can hardly talk to each other. The administration did not ask any dispatcher for input when the room was set up. When the old Dispatch Center was upgraded, they asked dispatcher's opinions. The Dispatch Center is in the basement. Cannot even go outside and walk around the building. No sunlight at all. If you are a smoker, you cannot go outside.

Margaret does not come out of her office to give people their lunch. If they do not bring lunch, they do not eat lunch. Margaret changed the dispatch system. She did have a lot on her plate.

One of the dispatchers, Lacie, was involved in an accident on an ATV and she dropped the injured person off at the hospital and left. She was eventually arrested. Lacie applied for Assistant PSAP as well. When

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former dispatcher Amanda was fired or asked to resign, she had valid points about Margaret violating HIPAA and talking badly about dispatchers. But Amanda had her issues herself. Another dispatcher said her brother died and it was a lie to get time off.

There is no concern for the health and welfare of the dispatchers and zero regard for them being good employees. She took a suicide call of her own cousin. Never got emotional on the phone, but when received a call about a little boy home alone she completely broke down. Margaret says there is nothing she can do. McPeak's people wanted to work for her. She never said you have to find your coverage. McPeak says she treated people like people instead of just a number in a box.

If you have never been a dispatcher, you don't get it. Currently, no one can take a vacation. Everyone is so negative. During her time, McPeak did not have it that bad, because it was a different management. She realizes life is different now. During COVID, they locked down dispatch. But even after the pandemic, they kept the door locked.

Samantha Newman

Koelbel interviewed Samantha Newman via Zoom on October 8, 2024, at 4:00 p.m. CT. Samantha has been a dispatcher for 3.5 years and was hired in April 2021.

Currently, including trainees, they are only short one of the full staff goal of 17. There are 16 hired, but only 12 can operate on their own. Dispatch has not been fully staffed the entire time she worked there.

When Chief Klug was first appointed, he said would meet with everyone in the department one-on-one. When he came to dispatch, he would not really speak to anyone. He would walk around the room and leave.

Concerns with the Dispatch Department include lack of follow through. Following are some examples. When Margaret said she was going to pull people for one-on-one. On Tuesday, she sent the email about meeting one-on-one and by Friday nothing had been done. Concerns were brought to Captain Sundheim regarding the hostile work environment in dispatch.

Samantha was put under *Garrity* for some very mean comments she made to another employee. The investigation began in February. Eight months later she received a resolution. The only reason she found out the result is because of this current investigation. Sam has heard of an employee who was on *Garrity* for 18 months.

The incident involved a trainee. Samantha took responsibility for some allegations and some she denied, because they were simply not true. Intimidation tactics were used. In the process of investigation, Captain Sundheim accused her of being a liar for not showing emotions. Samantha wondered if it is because she is female, that she has to show more emotion further asking if the Captain would ask a male employee the same question.

For the most part, she can get along with everyone. If there is an issue, they are able to conflict resolve and talk like adults. The job is traumatic. They lost two officers. One by suicide and one was murdered. The trauma was bonding.

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Some dispatchers were missing a lot of work because of mental health days. The suicide officer called into dispatch. The department handled it terribly. Not all officers and not all dispatchers were notified of the suicide of someone with whom they worked daily.

Deputy Nick Van Pelt who worked with Burlington Police Department part-time was murdered. The announcement of the murder came via Evertel, the secured messaging system. The announcement was comprised of two sentences and minuscule. Samantha took the call on Christmas Eve 2023.

Dispatch was left unmanaged for so long. Dispatchers come and go and do their jobs. They fall under Police Department Administration. No accountability and no follow-through. There is no trust in their administration. Both Police Department and Dispatch Administration.

There is a good split between seasoned dispatchers and new employees. It is a year before the new dispatchers are ready to be good.

Six or seven dispatchers left during the time Samantha worked there. Many were seasoned ones. One new dispatcher who came from Florida with experience also left. It is a grueling process to learn the job and the system.

There is a lack of accountability of management and subordinates. There are no policies to hold themselves accountable. Nothing is in writing. She wishes that somehow, they could highlight the folks who show up. There is a high turnover rate, but the ones that show up are overlooked. They often work 100 hours per pay period. In ten weeks, she worked over 400 hours. They are scheduled 84 hours per pay period. Night shift dispatchers were expected to work nights and days. They had ten dispatchers at the time with a minimum two dispatchers on shift. They have no breaks. Especially at night, they do not get breaks. They can go to the bathroom or heat leftovers. And you have to take the radio with you to the bathroom. There is no time to just decompress.

The new center is much nicer than the last one. They moved to a new center in November of last year. There are three monitors on which one can watch movies. That is their window. There is more space, so they are not sitting on top of each other.

Margaret discussed Samantha's training with her husband's supervisors. Her husband is a firefighter. Margaret used the schedule as punishment. When Samantha asked for an extra person on shift rotation one time, she was scheduled to not work any weekends and the other dispatchers felt she was receiving special treatment. Discipline is inconsistent. For example, for hostile CAD messaging, two other dispatchers received just write-ups. For call-in policy violations, some people did not receive any punishment.

Juana, the former Assistant PSAP, would publicly fight with Margaret. Captain Sundheim told her she needed to learn how to conflict resolve. She found another job and announced that Friday was going to be her last day. Juana asked Samantha to be a trainer, but there was no training program or materials. Trainees were not retaining information and no assistance was provided. Trainees came out not knowing anything or how to even log in. She was to produce policies and manage day-to-day activities.

Wayne, the new Assistant PSAP, is a breath of fresh air. He is developing a training program. He was an EMS instructor. Margaret may be able to be an effective leader if she can let go of control and instead just focus on her administrative tasks. Even if Margaret worked 10 to 14 hours a day seven days a week, she would not be able to handle both jobs. The position has not changed over the years.

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Ultimately, Samantha loves her job and hopes it will get better.

Justice Brown

Koelbel interviewed Justice Brown via Zoom on October 9, 2024, at 10:00 a.m. CT. Justice was hired in April 2022 and has been in the position for 2.5 years. Currently, the Dispatch Department has 11 fully trained, two in training, and three new hires just out of classroom training.

Chief Klug is located at the PD. Before the Dispatch location was moved, Chief Klug did not come around often. After the move, dispatchers do not see the Chief. On December 29, 2022, when Justice took the call about Officer Pat Blanchard's suicide, she did not realize she needed mental health support. When she did seek support, Chief Klug directed her to services and support.

A lot of people are frustrated with the Chief. People getting talked to and receiving disparate discipline and viewed as unfair. When she has issues or raises questions, she gets the runaround but cannot get to a definite answer.

Captain Sundheim oversees Dispatch. Justice did not have anything noteworthy to account.

The job of a dispatcher is very difficult. She has heard that previous leadership was better. Dispatchers were not allowed to take time off at all during the pandemic. Everyone was very burned out and frustrated. Since she started, there has been a lot of turnover. Some left because they could not do the job, and others because the environment was toxic. Since she started, dispatchers have been scheduled 84 hours per pay period. Four of those hours are overtime. The shifts are 12-hour shifts. Right before the move to the new location, the process to switch the payroll system to ADP began. In the past, an actual person would handle timekeeping issues, vacation requests, etc. Dispatchers could call someone in to cover lunches. After the move ADP was fully implemented, management told her that she had to clock out for lunch or use PTO.

As for the new location, she understood that the City received a lot of funding to refurbish a new place. Dispatch was supposed to be at the top floor and access would be secure. The result looks nice. Technology is top of line. There are cameras. It is a nice facility, but there are no windows so there is no natural light. When working 2-people-shifts they cannot leave the building. There are two day shifts and two night shifts. Her day shift has three dispatchers, the other day shift has four and the two night shifts have two.

Margaret Haugen's management is inconsistent as is discipline. Certain people are allowed to misbehave without consequence. On the other day shift, another dispatcher was out for a long time and a call for OT went out, sometimes for four-hour blocks. When others have to cover themselves. Margaret is not efficient or proficient at her job.

When she started, she realized the culture was going to be rough. When she was with trainer Jackie, Margaret would come in and talk "crap" about the person who was on break. Margaret further used the schedule to retaliate.

When so many dispatchers complained about Margaret, they did 360 surveys because of so many allegations against Margaret. It was supposed to be a confidential survey and only Captain Sundheim and Chief Klug were going to see and not Margaret. Justice is not sure, but she thinks, Margaret went to

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leadership training. Somehow Margaret found out what the questions and what the dispatchers' answers were. There was not much follow-up and they are not listened to.

After the suicide call she received, she was moved to the day shift. Jeanne made things more difficult for Justice. One time Jeanne told Justice to stop breathing, and another time to not talk before noon. When reported to Margaret, Margaret responded by asking if Jeanne was up to her old tricks. At Margaret's request, Justice typed up a brief account of the occurrence and gave it to Margaret. When Margaret talked to Jeanne about Justice's concerns, Jeanne began making snide remarks and comments when Justice was present.

In another instance, Sean, who is a lead, covered for Justice when the emotion of the suicide call she took caught up with her. Justice was working alone with Jeanne and began to cry. Justice called Sean letting him know she did not think she was able to continue her shift. Sean came in right away and Justice ended up taking time off. When Justice came back the next week, Jeanne walked up to Justice and asked her if she was going to cry again. Beth, who was on shift the whole time and witnessed the remark, when asked, could not remember anything.

Margaret told Justice that Beth and Jeanne wanted Justice's sick time to be looked into after she took the time off mentioned above. They raised the issue as Justice was there when she was not supposed to be there and taking time off when she was supposed to work. They felt Justice was spending too much time there at shift change talking to the night shift and calling in when she was supposed to be working. The chat with Margaret, Justice suspects, was for show to get them off Margaret's back.

Justice wanted to join the volunteer firefighters. She wrote a letter requesting approval as required, but the request was blocked. Margaret said Chief Klug blocked it, but she found out from a senior dispatcher that it was Margaret who blocked it. She wrote another request and submitted to Chief Klug and it was approved. Jeanne would constantly comment about Justice "of course wanting to get traffic on firefighter calls." Once Jeanne put a dispatch call on hold and told that one of them (Justice) should take it.

Her shift is a day shift comprised of Justice, Jackie, and Beth (13 years – Lead for whom she has no respect). Beth gets animated when her authority is challenged. Management, meaning Margaret, is aware of all of Beth's malicious behavior, but does nothing.

One particular week, Justice was going through a lot: her divorce, her grandmother passing away, and a friend dying of a heart attack. After dealing with all that, she slept for eight hours, went on a fire call, slept six hours, then went to work. Fifteen minutes before she leaves for the day, Beth asks to speak to Justice. Beth lectured Justice as her supervisor, regarding how dispatching takes precedence over volunteer firefighting for over a half hour. She kept going until Justice starts to cry because firefighting is her life. Justice ended up leaving 20 minutes after her shift ended.

When fires were occurring all over, Justice was paged out to a fire, but didn't go because her lead told her not to. She told Juana and Margaret about it. They asked her if she was okay. They told Justice that she does not have to worry about firefighting being taken away.

Lacie, another lead, gave classroom training. Ashley, Justice, and Lacie were put together. Lacie seemed distracted. She was out for two months. Went to a work conference and just came back in less than a month. People were upset about the sexual comments Lacie made to them. Lacie used to grab people's butts, which were brought up to Margaret.

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Sean was the only guy. They know that things will be handled when he is on call. He had her back through a lot. Justice got along with Juana – somewhat. But Juana did not know their systems and Juana and Margaret did not get along.

Wayne has a way of training and teaching that does not make you feel stupid. He demonstrates a drive to learn the systems. He also provides clear answers on policy. It seems like things are improving.

Justice is not aware of a grievance procedure.

Amanda Wright

Koelbel interviewed Amanda Wright via Zoom on October 9, 2024, at 2:00 p.m. CT. She worked as a dispatcher from 2017 to 2020. She was forced to resign by Chief Klug in July 2020.

Chief Olson had just retired, and Chief Klug was just starting. There was a hit-and-run on Broadway in front of the Taco Bell. She was told to answer a call from Margaret's console, so she did not have all of her equipment on hand. The call was from a gentleman asking questions about the accident. She terminated the call with the gentleman, but could not punch a card.

Two weeks later Chief Klug called Amanda back in. This was her first real interaction with him. The parents of the boy were allegedly suing the department. It turned out that it was the driver on the phone call she took on Margaret's console. Chief Klug said this is in the file, but it was not a big deal. Then it was investigated. She was suffering from severe [redacted]. She is currently working with a [redacted]

Amanda was working four ten-hour shifts. It is a quick turnaround. She was not sleeping. The environment in dispatch was horrible. Margaret kept promising a day shift. Ultimately termination was recommended, but she was given the option to resign. She went home in shame. A year later she was reading the termination paperwork and it listed two incidents: a warrant that was not removed from LMS, and a medical call received in error. She deviated from instructions from the card.

After termination, Amanda found out Margaret told co-workers that Amanda claimed mental health issues, but Margaret "knows others with real mental health issues" and did not think Amanda was suffering from the same.

There is an EAP program. Chief Klug's wife was a therapist in the EAP program. She was the only therapist that had openings. They are sworn to confidentiality, but the boss is in the picture in her office. She was having a bad time in general because of COVID. During COVID, she was dating one of the deputies, but keeping it quiet. The deputy got COVID. So, she called in since she had to isolate. She shared with Margaret that she was dating Van Pelt. Margaret subsequently shared with everyone that she was dating him and had COVID.

Margaret was her trainer. She was unprofessional, smoking frequently, and gossiping about everyone. There was no feedback or coaching. It was a toxic work environment. When McPeak was there it was a lot better. Night and day difference atmosphere-wise.

For lunches and breaks, people used to come in to cover breaks that may not have been paid – Sean and Shanlya. When two people were on shift that was how they used to get a break. You make more mistakes when you are exhausted and stressed. Amanda did not work too much OT because she was tired.

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They did not foster an environment of mental health when the Chief's wife was a mental health professional. She loved working there until the last 8-9 months. Two dispatchers – Lacie and Christian (no longer with the department) – received DUIs. She wonders what the Chief's liability would be if he knew that Pat Blanchard had a DUI.

Jackie Lausch

Koelbel interviewed Jackie Lausch on October 11, 2024, at 12:00 p.m. CT. She is a Senior Dispatcher of two-three years and a total of nine years. There are two seniors. During the process of becoming a Senior dispatcher, she withdrew but began receiving higher pay for six months, and that information was shared which caused strife. There are five dispatchers in training and 11 that can work a two-person shift, the 7:00 a.m. to 7:00 p.m.

Three years prior dispatchers spoke to Captain Sundheim and Chief Klug. They took a survey that was supposed to be confidential. Margaret was able to read all the comments. The outcome of the survey was that Margaret went to a leadership course for a week and was not allowed to make the schedule. Chief Klug had since said he messed up for not putting Margaret on a PIP. Chief Klug would come into the room, stare and leave. Interim Chief Plessas, at least, says hello, etc. Chief Klug and Captain Sundheim never hold Margaret accountable.

Margaret creates a hostile work environment. She pits employees one against the other. She has revealed private information about folks. Jackie's father was dying and in end-of-life care. Jackie was very distraught. When he passed away, Margaret told everyone to not message Jackie, and consequently, Jackie received no support from her co-workers. Jackie does not believe it was to benefit her by allowing her time to grieve but instead to isolate her. On Jackie's birthday, she was not celebrated when Margaret promised to celebrate all the birthdays. Margaret is proud of creating a toxic work environment. She is largely unqualified. Policies are drafted in ways that Margaret can bend the rules. There are no standards. No one is held accountable. There are no policies and procedures in a job that can directly affect someone's life. Margaret says you're doing a good job and then throws them under the bus. Margaret wants to be everyone's friend. She feeds everyone stuff about everyone. It could be five years before airing out grievances created by Margaret with certain folks, because they do not always work together. If you brought up stuff, then there is retaliation either on the evaluation or scheduling, etc. Her husband is in emergency management and sent out emails telling dispatchers that they have to report things like the train derailment and big grass fires to them.

Jackie stepped out of training. Her evaluations were catty and did not reflect the type of employee she is. Chief met with Jackie to find out why she resigned from training. He brought her in to ask why she applied to a records position. Sergeants told her that if Jenna and Molly left morale will improve.

Years back City Hall put in a grant and City Hall and Dispatch were to be moved to the new location. Dispatch is now accessible from the alley. They do not even see people from City Hall. Captain Justin Sundheim and Margaret designed the new dispatch center. The location is dangerous if anyone were to go in there. There is no ventilation. Water was turned off at one point and they had to use porta-potties placed in the alley where drug deals occur. They bombed the building with disinfectant for COVID. The door hinges are on the outside. There are no windows. If someone breaks in or if there is a fire, there is no escape. There is no gym. They were promised a treadmill. There was a gym at the other place. They were told there would be a little place for them. Officers used to bring them stuff. No one comes over

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anymore. She believes they do not want to come in because of Margaret. They have been in the new center for one year and Margaret for 1.3 years. When Margaret was separated things had improved.

Captain Sundheim told them they would never have a window, because it was not safe. He is horrible to talk to. He puts it back on you – boomerang. He is condescending. He provides no support. Statistically, he ran the numbers and relied on them. However, dispatchers are dealing with people at their worst. The backup center is not set up. There are only one or two screens. The Chief said he was following up.

Margaret changed the radio system, but provided no training or support. It has a nice recorder rated top three or five for dispatchers. When asked for training Margaret would send out training group meetings when Jackie was off so she was never able to participate. The new system is only good for the leads and Margaret because they have a different interface. The reason for the change is that someone Margaret knew left the company of the old system and went to the new system company. So, she went to Captain Sundheim and he approved it. She has recently asked Wayne if everyone could have the same interface.

You have to use comp time for training. Jackie in one instance had 90 hours of accrued comp time working the fair which was paid by the sheriff's office. Jackie was paid out 10 hours, because they maxed at 80 hours of comp time. She was not aware that would happen. There are no lunch breaks and no 15-minute breaks. They have to punch out and be paid PTO. HR said it was the Chief's policy. They work 12-hour shifts. Margaret blames them for not coming in on their days off.

The first Assistant PSAP died in a motorcycle accident. Second Assistant PSAP, Juana Perez, and Margaret fought all the time. Wayne is the new current assistant PSAP. He is working on a schedule that is fair and it works. He has been three months in the position. Margaret wanted an Assistant PSAP, but not Wayne.

There are three leads – Lacie (see below), Beth (who does not possess great leadership skills), and Sean (who enjoys gossip). Shanlya became lead because the Chief asked her (Shanlya unprofessionally tells people she loves them over the radio where everyone can hear it). One of the Leads is a lesbian and she grabbed Jackie's breast about eight years prior while she was on a call. Jackie went to HR. The same individual was gambling on the phone on the floor, making lewd remarks, sleeping on the floor, grabbing people's butts, and was promoted to Lead. Margaret loves her so nothing happened to her. People joke about it. This Lead asks for nude pictures. Jackie spoke to Wayne on Tuesday and requested to not be scheduled with her.

With Officer Pat's suicide, other agencies were debriefed before dispatchers. The janitor passed away on PD. One debrief was at the time her dad was dying so she could not attend. A Sergeant asked them if they were okay. Sgt. Ruelle told her about the wellness program and brought flyers. But the program was in place six months to a year before dispatchers were aware of it.

People are leaving and quitting, and the administration has no idea why. The administration stated they are surprised half of the dispatchers are still even there. New rules are getting applied but no policy behind them. They bought walkie-talkies and rolled them out. Margaret asked her to walk as far as she could in 15 minutes to see if the walkie-talkies would still be within range.

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Shanlya Van Hill

Koelbel interviewed Shanlya Van Hill on October 11, 2024, at 2:00 p.m. CT. She has been a Dispatcher since January 2017. There are 11 fully trained dispatchers, two training on the floor and three in classroom training. The evening shifts are 7:00 p.m. to 7:00 a.m.

In January 2020 Chief Klug became Chief and Margaret became PSAP Manager. Shanlya became the Lead Dispatcher in December 2023.

A lot of issues present in dispatch were communicated to Chief Klug and Captain Sundheim – issues with Margaret. When she reported issues to Chief Klug, he said to hang in there. Captain Sundheim, HR, and Chief Klug had no follow-through. Chief said he would have one one-on-one, but there was no actual scheduling of any meeting. So, she decided to have one one-on-one herself. He told her to give him a list of who she wanted to talk to, but there was no follow through. Chief Klug then had group meetings with the leads, Margaret, and Captain Sundheim. They would get to the first stage and maybe the second and then never follow through. He is not a leader. He just holds the title. He began saying that if he has to fire all of the dispatchers, he will. In the last 10 months, there was one meeting.

Chief said Shanlya could meet with him. The majority of dispatchers went to him complaining they were at 60% staffing which is not sustainable. There was a 360 evaluation. The results were not released so there was no way to know if her perspective and experience were different from anyone else's based on the responses. Still does not know what happened with the results. Sean, as a Lead, can click on disciplinary files and there was nothing on Margaret's. Margaret used the schedule as a means of power. So, after the survey, she was not able to make the schedule any longer. The job was a lot for her, and she liked to delegate. Jenna Hurt started making the schedules. Within the last month, Shanlya just learned that Margaret received some training. Captain Sundheim said, "we heard you and there will be lots of changes based on your feedback."

One instance in which Shanlya felt targeted was a Letter of suspension she received from Chief Klug. He said, "I know you feel like it is just the two of you (her and Molly) are the ones who are being disciplined." Molly quit in January 2024. She was hired in October 2017. The suspension was for taking long breaks or stealing time. Minimum shift of about five years. They have 12-16 hours with no lunches or 15-minute breaks. As a courtesy, her former supervisor, Lacie, would allow her to take a long lunch break when she could take a lunch break. The practice trickled over under the current supervisor. Then she got in trouble. During the time of the fair, they are expected to work hundreds of hours. She was told that taking four hours of flex time shows that she has no sympathy for her job. It was such a humiliating process. During the investigation, she was so fearful. Chief also said that was the first time she was taking ownership of it.

Shanlya went to a conference called NINA. A dispatcher from Colorado told her the state had to backpay all their employees because they were not being paid properly. Shanlya sent an email involving the HR department regarding the new pay system not paying by the law of North Dakota. They were not getting compensated properly for the four hours over 40. HR said that employees might end up having to pay back the City. She said she did not know how that works. The law dictates the minimum and the policy depends on that. Chief Klug sent a message directly to Shanlya to be careful if she keeps pushing the envelope. Shanlya felt very threatened by the Chief and HR. She emailed back saying that she felt threatened. HR kept asking if she wanted to have the matter looked into. They changed her mind. They did not point to specific policies.

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Margaret was a poor leader even as a floor supervisor. There were not as many issues such as poor personality, not being kind, making little comments, but her work performance was not great. She did not possess very good people skills. Margaret was answering the same number of calls as everyone. Margaret greatly mishandles information.

In 2021, Shanlya broke up with long-time fiancée, Josh after eight years. He was a volunteer Firefighter with Minot. Margaret and her husband volunteer there as well. Margaret liked her fiancée more than she liked Shanlya. Margaret made comments like: “When am I losing you?” “Was cheating a factor in break-up” “I heard you slept with a Sergeant in the department.” She tried to spread rumors to Sean. Dispatch was female-dominated. Police were male-dominated. She also commented on the women her ex-fiancée was involved with. Margaret emailed an evaluation commenting about how she will be affected by the breakup. By comparison, another co-worker broke up with a girlfriend and Margaret would drive the former girlfriend to places to get stuff. At the same time, Margaret would cry to Shanlya about her relationship issues. Shanlya’s ex-fiancée called in as a possible suicide. Margaret, in her superhero complex with firefighting, authorized a phone ping without a warrant for Josh. Shanlya brought this up to Captain Sundheim, but nothing happened.

Molly was Shanlya’s best friend. They worked well together. That upset Margaret, so she targeted them. One instance was a trainee who left for various reasons and sent a letter disparaging Molly, Shanlya, and Lacie. Margaret sat Shanlya down, slid the letter across the table and threatened to write her up for a hostile work environment. She wrote, “This will not get you fired.” Shanlya gave Lacie a heads-up after that meeting. Lacie was asked and said that the things in the letter were true.

One time Beth did not make it to a meeting, so Margaret read Beth’s letter calling in out loud. At the meeting, Margaret said, “Raise your hand if you think I play favorites.” Beth wanted a break from the 12-hour shifts. For the upcoming schedule changes and bidding process, Margaret asked for suggestions for a shift for Beth. Shanlya brought up suggestions to Margaret. Margaret responded that she did not want to offer Beth the schedule she wanted. Instead, she wants to offer a very bad schedule to cause Beth to quit.

When Shanlya was interviewed for Lead in July 2023 there were two rounds of interviews. Margaret asked her during the panel: “Do you need a minute? I know you have anxiety.”

A co-worker was struggling with 12-hour shifts and mental health issues, Margaret said it was Amanda Wright. Margaret approved of a meeting in which Juana was allowed to bad mouth a new hire the entire meeting. Margaret said that a dispatcher complained that she does not like to be talked down to by Lacie.

Lacie was on an extended leave for a suicide attempt. No one was allowed to talk about it, but then Margaret was upset that someone did not know what Lacie was going through. Margaret asked for on-call schedules. She spent up to three months on FMLA. There was a few days of notice and it resulted in 13 days in a row for Shanlya. On a different occasion, Lacie was arrested at work. Margaret told them not to punch a card. The arresting officer asked for the incident number. Margaret said that Jackie told her not to punch a card.

Lt. Lackey recently moved and threatened to have Shanlya killed because she was friends with the officer she liked. Margaret said, was she drunk?

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The shift she wanted she did not get. She wanted to switch shifts. Margaret wanted to make Shanlya work a shift where she would never see her fiancée. Jenna said the same thing on another occasion of schedule change.

Shanlya's boyfriend was told to be watched. Officers take longer lunches. Lieutenants told sergeants to watch their lunches. He was told, "you know what it looks like when your car has not moved for 35 minutes." Alluding to him having sexual relations during lunch. Other interdepartmental relationships are not as closely monitored. If you are good at your job, Margaret will target you. Other dispatchers have issues with dating an officer mindset. People deem workplace relationships as unprofessional. She was pulled for random drug tests frequently (see below) and now her boyfriend too.

Margaret did not hire a trainee because the trainee was in therapy. Margaret has said publicly that she has to speak to Shanlya in a special way. Margaret claims untruthfully that she has special meetings to communicate with Shanlya to appear to provide an ADA accommodation.

Shanlya always passes drug tests. However, the way she is pulled is inconsistent with others. She is notified a week ahead, via text, email, etc. which she does not believe she should receive. Once she asked Margaret if she should take a painkiller. Margaret said yes, and then Shanlya was hit with a drug test. Shanlya was drug tested in five out of six quarters. So, she asked for the policy and suddenly she stopped being pulled for drug tests.

When she got employee of the year, a lieutenant asked her how she was doing because she had high blood pressure. She has no idea how he could know that except from Margaret.

To illustrate Margaret's inability to lead, when the officer committed suicide Margaret did not think she had to come in. She asked Sean if he thinks she should come in. Also, Margaret did not allow dispatchers to participate in the debrief. They received no information, and it was just assumed that Shanlya knew about it.

During the fair, a shift was having difficulty scheduling. She was asked if she was willing to take vacation time and work the fair and then come back to work the rest of the shift. At the time Shanlya asked if Margaret could authorize OT for coverage of dispatch while the fair was going on. The answer was that then people would use it as an excuse for not working the fair. So, only two dispatchers working dispatch were allowed.

Additionally, Margaret quoted pay for working the fair at $50/hour. They were paid the lower amount of $46/hour because the City had to pay taxes. Margaret never answers the phone when you need her. Once an entire shift called out and she could not be reached. Shanlya was dealing with having to find one of two people. But when Margaret came in, she was upset about a broken cabinet door. Instead of thanking her for finding coverage, she said "the door." Shanlya was authorized by Margaret to violate City policy – she worked a 17-hour shift which was needed without a break and a seven-hour break between that shift and Shanlya's next shift. Being reliable and dependable was turned into a punishment.

A dispatcher on the day shift said would be in late. Beth did nothing with the information and was passed into Shanlya's shift, so she worked a 16-hour shift in a 13 stretch. Jeanne was on her way so Shanlya asked Margaret if she wanted her to stay. And Margaret kept saying it's up to you, it's up to you. Shanlya was a person who came in to cover a shift and Margaret gave her attitude.

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When Shanlya was promoted, her seniority zeroed out. So, when shift bids for 10-hour shifts came up they did how seniority was selected. Then it was by hire date. She found out this about a meeting with Captain Sundheim regarding seniority. Jeanne attacked Shanlya on the floor. Jackie did not speak to Shanlya for three years because Jeanne made up a story about Shanlya saying Jackie was incompetent. Margaret knows of Jeanne's bad attitude.

Margaret has told others that Shanlya neglected her dog to go out and party. She accused Shanlya of causing one of the K-9s to have to go to the veterinarian because it took a bone out of the garbage. She said Shanlya's fiancée kept adding majors in college because he did not love Shanlya anymore. Margaret is wishy-washy and has no structure at all. Even When McPeak was manager, there was a level of frustration and she could be catty, but at least McPeak could do the job.

A meeting was called with HR about the lunches. It used to be that as long as there was coverage, they could take a lunch. Dispatchers were asked if going to unpaid lunches is preferable. The one-hour meeting turned into a three-hour meeting. They tried to convince them to go to unpaid lunches. If they were picking up lunch for someone then they would be able to stay clocked in.

There was no policy against letting officers come into dispatch. Margaret confronted an officer about how he was getting into dispatch. Molly and Shanlya are cold in dispatch and lock boxes are put in the thermostats. A key was available to change it. Margaret hid the key when it was just the two of them working. There is a camera, but she suspects there is not supposed to be anything on screens. She suspects it is an issue for the FBI and NCIC.

If Margaret were removed from her position, the department would still run the same. She adds nothing. She tried to move the schedule for Christmas and tried to delay the schedule change. Margaret stated that they are expected to make sacrifices for the department. Juana sent this copying Margaret. Margaret allowed mistreatment by Juana. She either allowed it or participated in it. No one checks on Margaret. Shanlya is bringing this forward because she would feel terrible if she did not say anything. Margaret broke the trust they used to have in each other. Twenty-eight dispatchers were lost under Margaret. 50-70 percent of the staff.

She has received notices of the Minot Police Department Policy Manual yearly. The employee handbook is a work in progress. A policy manual has been in the works for dispatch. The grievance procedure was never formally explained. She followed the chain of command. She dislikes reaching out to HR because they will copy the boss. No one in the Center will advocate for her.

Beth Sorenson

Koelbel interviewed Beth Sorenson on October 11, 2024, at 6:00 p.m. CT. She has been a dispatcher for 14.5 years. She is now a Lead. Before Chief Klug, there was Chief Olson. Before Chief Olsen, it was Chief Balentine.

The PSAP Managers were DeVawn Beckman, McPeak, and Margaret Haugen. Last year, Chief Klug started to meet with the dispatchers to try to fix dispatch. Beth thought it was going to happen sooner. Otherwise, the interactions were minimal. The meetings are almost awkward. One year in the new center, she saw him a handful of times. During the time the meetings were going on last year, one day it was so busy that when he popped in no one was in the mood to talk.

Captain Sundheim, Margaret, Chief Klug, and Monica participated. In one of the first meetings, they said "if you are holding any grudges" let it go. She agrees. Before Lacie was a lead, there were three leads at the time. She was looking around the room thinking that she did not hold grudges against anyone. Beth made a special effort to let Jenna know that she was not holding any grudges against her. Jenna was burned out. She quit before Christmas last year.

They tried to do the meetings every month. They would say things like you are not guaranteed your schedule. There is no consideration of seniority. In middle meetings when Chief Klug would have interactions with the attendees, Chief Klug would say that he, as a manager, has the ability to replace his staff when he wants to. That was his philosophy. Chief was having some issues with his health or his wife's health. In later meetings, it became: if anyone had any problems with anyone in particular then let's set up a meeting. Communications have not been the greatest. Beth told him that she did not agree with his philosophy. That did not change his mind. She did not get the feeling that he had any intention to change. Sean Christy expressed frustration with him. It was Sean and Jenna on one side and Beth felt bad for Margaret.

Beth has an interesting relationship with Captain Sundheim. A good working relationship now. In 2021, she was writing evaluations for dispatchers. She went a year without any meaningful communication with Margaret. In November 2022, she wrote evaluations for Jackie and Jeanne and showed them to them to see how they would react. She was getting information about what they thought they could improve. She was accused of presenting evaluations before they were supposed to be presented. No one talked to her before she was pulled into the hot seat. She thought she was getting fired. He did not get her side of the story. She wonders if the people she was trying to support have anything to do with it. They knew those were not the final evaluations. Was Jeanne stirring the pot? Margaret said, "you are not giving them the evaluations, are you?" He did say to get feedback from your people. Any snarky comments were not hers. She was asked whether there was any constructive feedback for any of your people. Jackie provided some things she wanted to improve on. Do you or don't you understand this? He asked if she thought she should be a supervisor still. She was okay with being demoted.

Beth worked primarily on the day shift. For months no one was talking to her. With McPeak, at least she got some feedback as to what was wrong. Margaret's attitude is if you don't like it then oh well. Maybe some did not have enough training. But really, they did not receive great support from Margaret.

This past year has been okay. There is a lot of drama as dispatchers, because of the nature of the job and being confined in the space. As a way to stand up for herself, Beth built a wall of Clorox containers akin to a wall of cereal boxes from childhood.

When the City Manager reached out for a meeting, she was off. The City Manager had a meeting with a small group of dispatchers who could not make it to the main meeting. She was tired of having her days off interrupted. They do not care about their off time.

She does not agree with the break policy. Dispatch is considered non-essential. Shifts started with eight hours. Always tried to get a break when there were enough people. During COVID it became 12-hour shifts and two-person shifts minimum. Stress is high. They can at least go to the bathroom. When McPeak was PSAP, there were discussions about switching to ten hours. At the most recent meeting, Margaret brings up the portable radio again, which means that essentially there would be no breaks ever.

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Night shift is three days on four days off. She advocated for days off together. Changes are made with little to no discussion. Two-person shifts are much more commonplace. If people wanted OT they would come in and cover lunches. There was favoritism in that as well. There is no actual discussion. Juana nipped in the bud. If you want guaranteed lunch, you have to work 12.5 hours. More people would have been more stressed and burnt out. They are not robots. They are humans.

There needs to be ways to mitigate the burnout. She used to get migraines. At the last meeting, they brought in walkie-talkie radios. Two people have to be in the Dispatch Center. They do not leave City Hall. They have phones, so they did not need the walkie-talkies.

With regards to attendance, Monica was there, but the decision was already made with Margaret and Captain Sundheim. She does not think about going to Human Resources. But often she feels they already made the decisions. She is waiting for Margaret to get back to her about the walkie-talkies. She has plenty of PTO to not have to carry around walkie-talkies.

On two-person days she does not leave the center. Dispatchers are different than police officers. Dispatchers need a mental break. They don't really use them. It is better to have a break and come back refreshed. Officers are not listening to all the channels that dispatchers are watching.

Jeanne, being closer to Margaret, directs the flow with dispatch. This may have caused more conflict between Margaret and Juana. Beth tried several times to do the scheduling, but it was never accepted because of Jeanne and conflict with Juana. Gossip about Juana and told Juana. The undercurrent of undermining people. Even though she was not the greatest Assistant PSAP. Juana bridged some of the communication. Even with Juana, they were moving in a more positive direction. She had more hope. Discipline was mob rule.

The new Assistant PSAP manager is on their side as far as really understanding what they need. Communication has increased. He is new as of July 2024. Wayne is receiving more respect from other dispatchers. He wrote the book. Dispatch is not for everyone. Have to be okay with chaotic environments. Training-wise, a little lacking. She was trying to keep Wayne out of the drama. His impression of the dispatchers was that they were tired. The Chief even with the meetings did not get that. He was okay with replacing people.

She is still friends with the first PSAP manager. The former manager did not know what was going on. They went to lunch, but did not talk about dispatch that much. Towards the end of the lunch, she could tell Beth was upset. She listened, because she cared about their employees.

It is hard for her to believe that Margaret is sincere. She should have communicated with her the Leads and not through people below her. The 360 survey felt like it went mob rule. She did not like seeing that happen to Margaret, but it is like she created the situation herself. Beth told someone that she feels Margaret does not talk to her and the response was "Consider yourself lucky."

Dispatchers do not have time to look at the policies, because they are so busy. When Juana was around, she had to do a discipline on Jeanne. Not a lot of time to look up the policy to do that. She knows there is an employee handbook online. She received a paper copy years ago. Thinks there was an email letting them know it is available electronically.

For complaints, she follows the chain of command. Some information circulating on the floor. She tried to nip the gossiping in the bud to avoid negativity.

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Jeanne Alves

Koelbel interviewed Jeanne Alves on October 15, 2024, at 11:00 a.m. CT. She has been at the department for 15 years, two years part-time, nine years then part-time time then back to full-time. She is a Senior Dispatcher.

Jeanne does not see Chief Klug at Dispatch. On occasion, he will come in and stare. No meetings except for one time when the whole police department met in 2022. He was being accused of some sort of allegations and he was open to comments or questions.

There were a lot of issues with comp time and they went to management for answers from the Chief. He said to follow the chain of command. Reached out a couple of times about the change in the system. Dispatch works every day 24 hours a day. They are paid extra on holidays, but only on recognized days. She never got a response. It was finally fixed on a new pay system – ADP. Dispatchers had a lot of questions about pay etc. She gets emails communicating the changes. She did go to the manager before going to the Chief.

She felt Lacie was abusing COVID sick leave. Lacie is close with the Chief. He said he did not feel Lacie was abusing the policy. Lacie was allowed to do everything including take eight-hour lunches.

She interacts with Captain Sundheim about the same as the Chief. It is not useful as he says things like you are the problem, you need to work on yourself, you are the problem. Juana was using certain people, her favorites, to take time off and not have to put in for. She went to Margaret about it and talked to the Captain, but there is nothing they could or would do about it.

Jeanne went to Margaret to report so many issues. Margaret does nothing about them. She just sits there and nothing gets done. Morale is getting worse. She is a poor leader and plays favorites.

She asked Margaret for counseling services and it was ignored. Even with what they do daily, they need to talk about certain calls but they are just required to do the job and shut up. They do not care about their mental health. They are not being taken care of. She has been feeling this way for a very long time. It is frustrating. Dispatchers provide mental health services, and no one cares about them. Has been feeling this way for a long time. Recently, the Department started counseling sessions for the officers, but it is supposed to include the dispatchers. More officer-oriented and dispatch is left out. Margaret does not stand up for them.

Some people like 12-hour shifts. These shifts are not physically or mentally healthy. They get no breaks and no lunches. They cannot walk away, cannot catch a breath. She has gained 50 pounds. She eats nonstop, because there is no coping. They respond that it is what they are supposed to do.

On nights Jeanne was asked to switch to work with Beth, because Lacie needed a six-week break. Informed Margaret about Beth, who is a Lead. Beth is hostile, does not listen, thinks all is about her, and only wants to talk about her problems.

Talked to Margaret about harassment by Lacie. A few weeks ago, Lacie asked Jeanne if she wanted to make out. She used to walk behind you and grab your breast. This was about two years ago. Margaret is aware. Margaret's response is I will talk to her. She does not know if she talked to Lacie or not. Margaret says she will do something and never does.

One night she received a call from a girl with a head injury, and it turned out that it was Lacie who dropped her off at the hospital. She should have been charged with a DUI. She went to jail. Lacie received a write-up. The police served a warrant and she left. The girl at the emergency room told her that she was with Lacie driving the ATV. Nothing criminal ever happened with that.

Margaret kept sending out all of the changes she wanted. Margaret was the reason she quit. There were over 51 emails she wanted to change, but provided no way to implement. There was a reason they did it that way.

Certain fire departments were asking to be notified first, but there was no way to implement it. Jeanne understood that the order was to notify the Fire Department before providing CPR instructions or other emergency help. Margaret told them this is what the Fire Department wants and therefore this is what the dispatchers have to do. Margaret just forwarded the email from the Fire Department to the dispatchers and expected the dispatchers to just do whatever the Fire Department wanted. Just like this example, Margaret says yes to everything from external orders, but never asks the actual dispatchers how to implement or provide any guidance on how to do it. When questions are asked, she says she is going to look into it but never gets back to them. Jeanne does not see much leadership in dispatch because Margaret just tries to please all of the outside entities without coming up with a program and process. .

When Jeanne was working night shifts with Margaret right out of training, Margaret would be outside smoking. Margaret hardly ever took calls. Told PSAP at the time about Margaret not doing anything and asked to circulate how many calls everyone was taking. The report was sent out once and showed Margaret was not taking as many calls as everyone else. Margaret made it horrible and miserable. Margaret wrote Jeanne a nasty letter which she turned in and should be on her file.

Jeanne hoped there would not be any issues, but she knew she would be a bad PSAP. Jeanne thinks Margaret got it because she knew people. Jeanne also applied for the position once she heard Margaret applied. She has been there the longest other than Beth.

Jeanne was written up to death under Juana. Juana would be training right behind Jeanne and Jackie's area and would demand that they not talk while they train. Jeanne asked what they were doing for the day. Beth pulled her aside and was shaking and the next day she was written up by Beth and Juana and that is when Jeanne went to Captain Sundheim.

Everyone she works with is always complaining about the 12-hour shifts. They have no workout room. And do not have time to use the relaxation room. You don't want to relax in there you want to get away. One day the fire alarm went off and no one could shut it off they had to call the Fire Department, but they could not get in. It seems that no research was done on the dispatch location and the one request, the gym, was not provided. When she brought up the need to get away, they said that's why they got such a big center so they could live there. No one wants to live there. Margaret sent out an email asking for coverage and Jeanne suggested instead of burning people out, she should be able to jump in and cover. Another fire alarm went off. [redacted] had to go to the hospital because her blood pressure was so high.

Most recent example, this year at the fair, Jeanne was working doubles to cover the fair. Jeanne asked how much they would get paid, and Margaret said $50.00. When asked, why they were paid $46. Margaret did not know. She got a hold of payroll and they responded. The response was that they had to pay someone else and that is why the pay was lowered. Margaret tried to be sneaky about a shift that she

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was told she had to work because no one volunteered for it. Margaret ended up working it when after offering "special pay" there were still no volunteers.

Wayne would like to implement and put in some changes. He is stuck and cannot do anything yet. He is very productive and asks for input. He has an open-door policy. And when you say something to him, he actually gives feedback. At first because of the conditioning from her experience in the past, whenever Wayne would approach her she would get a sinking feeling in the pit of her stomach, she was always afraid she was in trouble.

Favoritism and special treatment are allowed especially with the 12-hour shift. Twelve-hour shifts used to be an emergency shift when shifts were eight hours.

Sometimes she received an email from the Lexipol system that there had been updates to the Police Department policy book. When she was hired she was given an employee handbook in paper format. She does not believe there is a structured grievance policy. She has sent many emails to her supervisors and requested appointments with the Captain. They tell her "don't come to me without solutions" management's job is to look for smoke.

Jenna Hurt

Koelbel interviewed Jenna Hurt on October 15, 2024, at 6:00 p.m. CT. She started in dispatch in August 2012 and until December 2023. She was a Lead.

They had been working on policies for dispatch separate from the Police Department. Never got them officially established. She was injured in April of 2022. She broke her wrist in two places and went to work. She had surgery and after two weeks was back to work on light duty. She could not type fast to take calls. So, she spent two weeks working on the processes that the former PSAP started regarding the dress code. She submitted it to Margaret then it sat on Captain Sundheim's desk. There is no follow-up or follow-through. Kept following up with Captain Sundheim, who said he would check with Chief Klug.

People were late all the time. She followed up on employees stealing time. By the time they looked into it, it was recorded over.

Margaret should be right there being investigated with Chief Klug. She created such a hostile work environment. She would pit them against each other. Went to Captain Sundheim and the 360 eval happened, but then there was no follow-up. Margaret got better for a bit and then nothing changed. Scheduling was taken away from her, because her scheduling made people mad. Jenna started to make the schedule. Jenna was told to cut overtime. People complained to Margaret and would say bad things about Jenna. It appears that one can be arrested at work in dispatch and still have a job there.

Captain Sundheim was the Shift Commander and Jenna used to have amazing respect for him. FBI model dispatch was placed under Captain Sundheim, so he had dispatch and patrol.

There were meetings with the Lead team. Margaret on the floor bullied Juana, the second Assistant PSAP. They would openly argue with each other in front of everyone. Tami, the first Assistant PSAP passed away in a motorcycle accident.

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Margaret made it impossible. Insane stuff trainees go through. Captain Sundheim and Chief Klug knew about it. They all went to McLeod during exit interviews. They tried for years to get the training program straight.

There are no standards. People on the night shift were ignoring calls and watching TV. Nothing ever happened to them. There was inconsistency in discipline.

They had weekly, then monthly meetings during which Chief Klug said: I don't even know why you are here if you are so miserable. Jenna knew then and there that nothing was going to change.

There was no sense in going to Margaret. Anything you went to her with, the entire department would know. They started fact-checking with each other based on the lies that Margaret spread.

The Center is terrible for mental health. They were promised treadmills and an exercise room. They made such a big deal about mental health after Pat's suicide. Everything went right back to how it was and no one cared. The solution they provided was three fancy TV screens that were supposed to be their windows. It was supposed to be this grand center. Safety in general was not looked at. They asked for five spots to be lit up in the parking lot. They said they would install lights and security cameras after the City Hall personnel moved in. An officer was beaten up by homeless people.

Margaret is a yes-woman. During the five or six years in which Margaret led the team it was a horrible situation. She is grossly underqualified. She had the most time of all of them. Carrie Steele applied for the position and some external applicants. There was inconsistency and a lack of leadership. It was already not an ideal situation but then with Margaret it went downhill. At the end of the day, McPeak at least had their backs.

Jenna left her pension and took a pay cut just to get out of there. She misses the officers, misses the job. She continued doing the community stuff but could not continue working for that leadership. Lack of communication. She is still close with some of them. Sgt. Foley looked so defeated during a community event. You try to do something to better the Department and you get shut down. One of the officers was talking to her. He mentioned the badge numbers were up to 462. When they do another number crunch, he will be 413 because so many officers left. He is an investigator.

Mental health was not a priority for the department even before Pat's suicide. Not one person came in to check on them. They worked on the same shift for eight years.

Jenna works at the advocacy center now. People ask if she would ever go back. At the end of the day, the damage is done. She is trying to make it better for the ones that remain.

They tried to figure out how to stop people from leaving. Margaret asked for scheduling ideas when she had no intention of implementing anything. Emails, stupid things like evaluations, she had them complete them themselves and would add a little word here and there. She never jumped on to assist, especially when they worked 12-hour shifts with no breaks. She and Jackie worked 12-hour shifts every day by themselves.

Before they would get weekends off every six months. At least with the 12 hours, they got every other weekend off. People at night worked a different rotation. It was always the same people helping with overtime. Some PTO rules may have been illegal. Shanlya figured out that they were not being properly paid, but the response was that they may end up owing the City money instead.

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Retention speaks volumes. Chloe left two weeks before Jenna left. Molly Schoen left right after she did. Molly and her leaving would have improved morale she was told. They were very vocal about all the issues in dispatch. Chief did not take ownership of the things he kept allowing to happen.

Margaret said when Jenna was leaving that she was sorry she bullied Jenna. Out with the old and in with the new.

Kevin Cory

Koelbel interviewed Kevin Cory on October 17, 2024, at 11:30 p.m. CT. Kevin is a former police officer who left in June or July of 2020. Kevin was a Patrol Officer hired in 2015. In 2019, he was promoted to Senior Officer, and in February 2020 he was promoted to Master Officer.

Kevin spoke to Councilman Rob Fuller regarding the overall process of how his termination happened. Everything was going well during his employment and in 2019 started noticing everything going downhill. Kevin was involved in a traffic stop that resulted in a lawsuit. The lawsuit alleged excessive force on his part and of another officer. When the stop occurred, Chief Olson was Chief. Kevin was disciplined with three days of unpaid leave and a letter to file.

The lawsuit was in 2020 after Chief Klug became Chief. A settlement was reached. After that, when he was part of the crime scene team and training, Kevin was put on paid administrative leave and had to stay home while an internal investigation occurred. He was not told why except for the use of excessive force in the past. Kevin contacted FOP to obtain representation. In mid-June, he was contacted by McLeod to come in at the height of the COVID pandemic. Before any conversation began, Kevin requested that the attorney join. He was told that it was not possible to postpone when his attorney was not able to join. McLeod said he did not want the attorney on the phone. They were going to review the prior incidents. After scoffing McLeod allowed Kevin to call his attorney. He sat with Lieutenant McLeod with his attorney on the phone. They went over the calls for service including the one involved in the litigation again. This was the only instance in which he was reprimanded. They went through five or six instances in which there was use of force. McLeod's demeanor is very confrontational, or abrasive. McLeod was asking questions such as "Did you fear for your safety?"

In those five or six instances in which force was used, he created a report which was turned in to his Shift Lieutenant for review and then passed on to the Administrative Lieutenant, who would review and file. If something looks wrong, then it goes to the Patrol Captain. First, it was Captain White then in 2017 or 2018 Klug became Patrol Captain. Kevin would never see the report again unless something needed clarification. Kevin was trained in empty-hand controls up to lethal force. 2% required the use of force in all calls he had been involved in.

After the meeting, Kevin was told to go home and wait for further instructions. Kevin was contacted on July 15 via a call from Chief Klug. Kevin had 20 minutes to report to the Police Department and went into Chief Klug's office with Captain Sundheim present. At the table, there was a packet on where he was sitting. Chief Klug went over the packet, which was the findings of the internal investigation. They had found some violation in every call for service they went over in five years. Some violations were for the use of force and/or standard of conduct. Chief Klug stated: "I am not going to downplay it; the decision is that you have to be terminated or resign."

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Kevin did not agree with the findings, they were not fair or accurate. He did not feel comfortable responding and needed to talk to his attorney, but could not get a hold of him. He asked if could try again and was told "No, you already had that chance." Kevin paused for a long time stunned thinking about what he could do. There was no opportunity to dispute the findings, no matter what he was told he would be terminated. They eventually said that Kevin could dispute it afterward. Chief Klug said "I don't think you should be a cop."

Kevin wanted to be a cop since he was a kid. He cried. He said he did not want to be fired. It would cause him to lose his peace officer (post) license. Then opted to resign. He was told to sign the paperwork. It stated that he agreed with every finding. He said he did not agree. They went back and forth. He again asked for his attorney. His stomach was still turning. He asked what will happen with a license if he resigns. Chief Klug said he would turn in the paperwork that said resignation. Kevin did not want to deal with it anymore. He signed, since it was the only way to resign from the Police Department. He asked for some time to re-compose himself. Then grabbed his belongings and turned in his gear.

The Union informed Kevin that the process for grievance would be to the City Manager to decide. At the time it was a temporary City Manager. There was a low chance of the City Manager disagreeing with the Chief. He was told to weigh his options. Found out four to five months later when applying to another police department, there was an issue with his peace officer license. Had to speak to the Post Board. Chief Klug submitted it as a termination. It was finally resolved, and he was able to renew.

Chief Klug is power hungry and abused power in Police Department and was a poor choice to hire him. It just seemed like he did not care for Kevin as an officer. He was also that way towards Jenna Bjork and Heather Summers, very standoffish. It felt like high school from day one. During the time he was to be disciplined with three days unpaid, Kevin asked Chief Olson to split the days up who agreed. When he went to Captain Klug to arrange the days as one a week he flat out said it was ridiculous. If it was up to him, Kevin would be fired. He split it up between two pay periods.

Kevin went to EAP after the incident. He found out that Chief Klug's wife was a counselor there. EAP is a program that provides access to counselors. Maggie Klug is a counselor accessible through the City's EAP program. Corey states that through EAP, Maggie Klug did not use the last name of "Tygart" or "Klug." He asked if it was that Maggie Klug because Kevin did not feel comfortable with her. He could not schedule with anyone else then when he said he would seek help elsewhere, the EAP provider was able to provide him another counselor.

Maggie was an evidence technician around 2016 and went by her maiden name Tygart. In 2017 she was very rude at the Police Department. Around 2018, in the spring or summer training, she was part of new officer training. When she came to do a training, she was walking with Captain Klug and said "you didn't want to see me? Are you afraid I am going to spill all your secrets?"

Kevin is thankful to Councilman Fuller and the investigation for finally allowing him to talk about this. It was a huge weight on his shoulders these past four years.

Kevin had access to the Police Department policies, via LERMS where all the electronic policies. He also had access to the HR handbook and policies. He wasn't too familiar with the grievance policy. He looked them up when going through an internal investigation in June 2020. He wanted to know what would happen if he did not agree with the findings of the investigation. Found the policy.

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Jenna Bjork

Koelbel interviewed Jenna Bjork on October 17, 2024, at 1:00 p.m. CT. Jenna began in May or March of 2015 as a Dispatcher. She moved to patrol in December 2015. Police Department provided her with training. She was promoted to Senior Officer three years in and Master Officer in five years. In October 2022, she left the Department.

Before he was Chief, Chief Klug was Captain of Investigations in 2016 right after she started. She started dating another officer in the Department and tried to keep it quiet. After a breakup, he started breaking into her house at night. Filing fake cases to get footage of where she was and with whom. The ex-boyfriend was Matt Bunk and is no longer there. The ex-boyfriend told her a protection order would not help her. Once he started screaming at her in the parking lot. Jenna told Sergeant Sundheim who told her to talk to Captain Klug. She went to him and showed him her cell phone. Captain Klug responded that Officer Bunk told him that Jenna would say those things. She had to have her doors and windows repaired and received no support. If she conducted an investigation the way Captain Klug conducted his investigation, she would be disciplined. That officer was good friends with Captain Klug. She was a new officer, so when she reported she was told that it was nothing.

Chief Klug has a crappy personality. He is very reactive, volatile, and emotional. After he was selected as Chief in 2020, she was assigned to investigations. His leadership was to do as I say not as I do. He seems like the guy who was bullied in high school. He made them feel like they were replaceable. In news articles when he was interviewed he referred to new officers as puppy dogs who did not know any better. She did not provide the news article. This was soon after he became Chief which was awful timing to be saying those things about the police, right after George Floyd.

Pat Blanchard was her partner. She wondered if things would have turned out differently if issues were addressed. Pat had gone to a SWAT call drunk. He blew a .16 over the legal limit. Pat was not allowed to train with SWAT for months. He should have been arrested. The Chief put a target on Pat's back. Pat got to keep his job because everyone liked him. Once Pat responded to a call of a young woman in her early 20s with suicidal ideations. Then called off all backups. He left the scene, changed his clothes went back to the woman's house, and had sex with her. The woman came in the next day and tried to file a complaint. These occurred in early 2022, maybe in Fall/Winter 2021. She did not look into it. Pat died in December 2022.

Jenna is from San Diego. She worked hard to build a reputation and quit, because she saw that the department was spiraling. The Department was going down the drain. She did not want to be associated with Minot. They were very short-handed. No one was ever getting off on time. It was exhausting. Even with the heavy nature of the job, the hardest part of the job was the staff and leadership.

Chief Klug never spoke a word to Jenna after Pat's incident. She only heard from the current interim Chief.

She filed a grievance once against a woman in HR around February/March 2022. Brittany Thurston (her last name was Rust) was sleeping with Jenna's boyfriend who had been a firefighter for three years. She told Sergeant Joshua Noyes and asked what to do and he said there was nothing to do. Brittany was dating a cokehead. Once when they were pulled over, she switched seats with him and was arrested for DUI. She came into the department and said what she did. Brittany used to score the test one takes to promote, which was a huge conflict of interest, since they were at odds.

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Jenna never got a raise in January one year. In December, she noticed it and went to Cheryl in the administration for the Police Department. She kept arguing with Jenna. She then emailed HR and received $4,000 in back pay.

Sergeant Lackey was promoted over others to Lieutenant. She was known for always getting into bar fights.

Sergeant Noyes approved a surgery she was going to undergo. The surgery was on February 14, 2022. She had the surgery. When she handed in sick leave, Lisa Jundt emailed saying she needed to talk to her because Jenna's lieutenant told Lisa that Jenna was having elective surgery and she would have to use vacation time instead of sick time. Someone else was able to use sick time, a pill popper, and Jenna herself had been approved for other surgeries, such as her ACL surgery, which was operated on three times. When asked if she was going to hold everyone accountable to the same standard, she said no. HR pulled 180 hours of her vacation time. Lisa is good friends with Brittany. Four weeks after the surgery when she came back from leave, asking what was going on, Jenna went to Harold and Harold reversed the decision.

They tried firing her in between her previous surgeries. Chief Olson had approved it. While healing, they brought her in and tried to fire her. They told her she would have to reapply when she returned.

Jenna filed a formal grievance on that and sent it to Chief Klug, Lisa, and Captain Sundheim. Sundheim had been good to her.

Jenna had access electronically to the Police Department Policy Manual and the Employee Handbook. She was aware that the grievance procedure was in the Police Department Handbook.

Matt Pappenfus

Koelbel interviewed Matt Pappenfus on October 17, 2024, at 3:00 p.m. CT. Matt worked for the Police Department from May 2013 until April 2023. Matt was on patrol for the majority of the time and then in investigations, because of light duty. In 2021 he was promoted to Patrol Sergeant. Other specialties are FTO negotiations, SWAT, and K-9.

Matt received a paper copy of the Police Department Policies and it was switched to electronic in 2015 for policy updates. The Employee Handbook is available electronically. Regarding a grievance procedure, everyone knows that it is there. He cannot tell what it is even in his current employment in a union state. And HR was in the same building.

The bad incident he had with Chief Klug was when he left. Chief Klug changed his letter of resignation without letting him know.

Five or six months before, Matt informed Captain Sundheim and Chief Klug that he was leaving to prepare them. He notified them that they would be contacted. Matt had a baby. He tried to use some benefits. When Matt asked HR, they said he did not have benefits based on the day of the resignation letter. Matt reached out to Chief Klug, who said he was doing a tour and agreed to meet Matt later. Matt sat around for a few hours. Captain Sundheim spoke to him then Chief Klug. Matt explained the situation. Matt was on sick time for the newborn and doctor's visits for his knee. The Chief can approve or deny sick time. He denied it and changed his resignation. Matt agreed to come back to work for two weeks. More discussions were had that night. The date was changed to two weeks sooner and then changed to two days sooner. Matt wanted to discuss it, but was told that Chief was too busy and did not have time. Matt contacted

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FOP to talk about the options. Then made an appointment to meet with Harold. Harold agreed to pay out the vacation time and was able to use the insurance. He was just going to approve his sick time, but received the vacation payout. Matt would have gone back and worked if necessary.

When Chief Klug was a Captain, he heard rumors, but his observations were that Chief Klug is very type A and wanted to control everything. Matt learned how he worked. The Chief was a boss. Matt thinks they should have gone outside of the department, but a lieutenant or captain told him that the evil you know is better than the evil you don't know referring to knowing what the Chief is like.

As for others, Captain Sundbakken who was in charge of training was terrible with the process. Officers would submit for things and Captain Sundbakken would pass it on and no one would ever hear back from him. Lieutenant Wegner had an issue with what he was saying or his leadership, but nothing came of it. The ineffective process could have always been that way, but when Matt became a supervisor, he came to notice it.

Matt left because he moved to Minnesota to a job with better benefits. He did not leave, because there was lots of drama at the Minot Police Department.

Erik Laudenschlager

Koelbel interviewed Erik Laudenschlager on October 23, 2024, at 11:00 a.m. CT. Erik was with the Police Department since November 2009. He was in Parking Control for about one year and then became a Patrol Officer, Senior Patrol, and Master Patrol. In June 2022, he left the department. He was also a K-9 handler and commander of the bomb squad when he resigned.

Erik does not recall ever looking at the Police Department Policies. They were not readily accessible. Erik was aware of the employee handbook. He was not aware of a grievance procedure, not at all. Erik grew up in the Minot Police Department. Erik's dad started at the same time as Chief Klug. He was a Sergeant. Erik knew Chief Klug for an extended period.

Progressing through his career Erik worked with him. Erik had a decent perception until around 2021-2022. There were no issues until he became the Chief. Some things were swept under the rug. A few incidents in which at the time he received little to no reprimand. Issues were documented as many people were aware of them.

Towards the end of his dad's career, his dad retired, and Klug became Chief, Erik was going through the process to make sergeant. The process is one takes a test and interview aggregated with years of service, training hours, and education. Then there is a second interview with the Chief and Command Staff. The process is to pick someone out of the top 3. Eric was on his third of fourth rotation of making the final three. Erik was told by other supervisors "You have K-9." There is an unwritten rule. Captain Steve Whitesell, retired, Captain and Acting Chief Dale Plessas, Lieutenant Scott Redding have told him that as a K-9 handler, you will not be promoted until your dog is ready to retire. He understood it. His dog had six years until it retired. He was told that he was good at your job and to keep doing what he was doing. Erik never had any citizen complaints and was not a problem employee.

Erik participated in three promotional processes. The last go around, one of the K-9 officers, a fresh K-9 handler, was selected for promotion when Erik's dog was set to retire at the end of the year. The new K-9 handler had less than six years, he had just gotten dog certified and had some issues with the use of

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force. It was Matt Pappenfus. Then shortly after being promoted, Matt moved away. He did not stay longer than a year.

Erik requested a meeting with Chief Klug. Erik told Chief Klug, that through all the processes, he specifically asked what he could do to improve, and he was told to "keep doing what you're doing." Chief Klug looked at him, smiled, and said "What are you going to do? Where are you going to go?" Erik resigned after he gave the occurrence some thought during his set of days off. If that is how the leadership treats you, he did not want to continue working there.

Chief Klug and Erik's dad did not get along at the end of dad's career. Erik spoke with Chief Olson at the time to let him know that he was not his dad. Erik said it felt vengeful and that he was being punished for his dad.

Erik did that math and with the 12 weeks of K-9 training and an additional three weeks, it was $280,000.00 in training walking out the door. There was no animosity until this last meeting. A total of 235 years of law enforcement experience were lost under Chief Klug. He single-handedly destroyed the Minot Police Department. It will take 10 years until they recover.

Some of the good people remaining are afraid that he will just return as the Chief and they will be persecuted, because of what Klug will assume they will have said.

Stephen Kenny

Koelbel interviewed Stephen Kenny on October 23, 2024, at 1:00 p.m. CT. He worked at the Police Department from July 12, 2004, until April 29, 2023. He was told he had to leave.

He is sure that he has access to the Police Department Policy Manual and the Employee Handbook. The one time he had a grievance, Chief Klug and the three captains never talked to him. He spoke to HR.

On November 17, 2022, Stephen left work at 2 a.m. and 9 a.m. had a bad case of vertigo, and had to go to ER. It was his second episode. His daughter took him to the hospital. He was there for six hours. He let the command staff know what happened and provided doctor's notes, pictures, etc. The doctors at first thought it was the crystals in his ears. He went back and was diagnosed that it was his compressed spine caused by his 20 years in the military. They suggested physical therapy. He informed Lieutenant Haug and Lieutenant Wegner. Stephen continued having episodes and in the beginning of April, they found a tumor in his ear. Sitting in the doctor's office Stephen received a text from HR that his employment would be terminated on April 29.

They had put him on FMLA leave – 12 weeks and extended seven weeks. In 19 years, he accumulated almost 1400 hours of sick leave and 300-something hours of vacation. He kept everyone aware of what he was going through. In the past, he had messed up his shoulder and was allowed to work. When he had a broken nose, he was forced to take five days off. He had a very good work ethic. He never wanted to be off work. This is due to his military training.

They forced him to retire. HR said that the Chief should have talked to him. When he went to talk to him, everyone was gone in the PD. He could never reach anyone. He told HR that no one was talking to him. He had a scheduled operation in May, and he asked Captain Dale Plessas for some light duty until the operation. Captain Plessas told him that he would have to put a letter to the Chief and ask for permission. Stephen has seen people get all kinds of light duty and no letter was needed. Four days later when he was

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setting up his tumor removal operation, he received a letter from HR saying that he was terminated. In June, he anticipated that he was going to be able to go back to work.

He had been a good employee for all these years. He had to fill out all the termination paperwork and it didn't matter if he wanted to or not. Later, he could only get a hold of Captain Sundbakken who kept saying he was all good, all good. Sundbakken said he accidentally deactivated his code to get into the building.

Another employee, Aaron Moss, who retired because he did not want to go back on the road received a big send-off. Stephen had to clear out his locker. The cops who were there did not help him, because they thought he had done something wrong. He wanted to retire this year in April. He stood on the sidewalk outside the Police Department at a complete loss as to what had happened.

Other observations, if Klug was fighting with his wife, he did not hear from anybody. Otherwise, Stephen and Klug trusted each other. Stephen is 10 years older than the Chief. Chief Klug was on an apology tour for something that happened years ago under Chief Balentine when Klug was dating his current wife. During a briefing, he was apologizing for it, because someone posted it online. Stephen's grandson was hired the day Stephen was terminated. The Chief pulled his grandson aside and told him about the incident that happened during Chief Balentine's time.

Lieutenant Wegner messed up a crime scene. He did not get a search warrant and Shawnee Crawl was convicted, but all the evidence and the body in the car were not allowed in. He murdered his roommate. It is a "good o boys" club in the command hall.

Stephen went back in April to HR to talk about an issue with taxes and he had still not heard from anyone.

Stephanie Lentz

Koelbel interviewed Stephanie Lentz on October 23, 2024, at 5:00 p.m. CT. She started in November 2013. She was a patrol officer for two to three years and became an investigator. She left the department on August 23, 2024.

Stephanie had access to the printed and electronic versions of the Police Department Policies and the Employee Handbook. She was never trained on the arbitration policy. Her understanding was that she had to go up the chain of command.

Initially, she had a pretty decent relationship with Chief Klug when he was captain back when she started. He promoted her to investigations. Things were going well until there was a complaint against her. He told her everything she did wrong, but would not hear her reasons.

While Klug was still Captain, one time Stephanie was off and intoxicated and was called out to a murder scene. She could not come in. She communicated with Klug and asked him if he needed her to come in. Stephanie got in trouble for lying.

As Chief, he was going to change how long you can stay in investigations. Her husband is a first responder as well. When she was pregnant, they decided that going back to patrol would be detrimental to her baby. She was five years in the investigations position so understood that under the new policy, she would have to go back to patrol. The move would be seen as a demotion. It didn't matter what she thought or how she felt about it, he did not care about them. She was not super excited about him being promoted to

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Chief. She was in patrol for three to four years and in a specialty role, investigation, and drone task force, for five years.

The promotion process changed from testing to basically you had to work through scenarios. She was doing well, schooling, and college were also taken into account. No one could explain the scoring. She went from number one with the scenarios to number 11 on the promotions list for the sergeant's position. She stopped even applying. She was more so upset about the way she was treated at that meeting.

As far as training, she was trained in crisis negotiation teams and domestic violence. But the majority of training was out of state. She was regularly denied because of budget issues.

No one knew that Lt. McLeod went on administrative leave which ended up being six months. So, it devolved into rumors. There are lots of different annual reviews done by a sergeant who did not even know how to do the job. Stephanie complained, but nothing ever happened. This applies to a lot of them. There is a lack of communication with everyone. There is no follow-through. No one has your back. They were doing murder investigations with just two of them. There was a lack of competence among the subordinates. Some are great leaders in the department. The ones who were as capable as her were suppressed a little bit.

Jesse Hartman

Koelbel interviewed Jesse Hartman on October 24, 2024, at 3:00 p.m. CT. He started at the Police Department when he was 36 from the Army. He was a patrol officer in 2019. He left in March of 2022, three years.

He received the Police Department Policy Manual at training you receive a thumb drive and a monthly policy review. There was not an official grievance procedure. He followed the chain of command – Sergeant to Lieutenant to Captain and the Chief.

He was hired under Chief Olson. Then two years under Chief Klug. Said hello in passing but never went directly to the Chief. He followed the chain of command.

There was no specific incident. He was in the army for 20 years, but outside experience was not acknowledged by the command. Frustrations did not lie specifically on Klug, but the whole command staff. People were leaving and no one had a reason why. He is currently a supervisor at a different police department one that had retention problems. When he left, he asked if anyone could give him a reason to stay, he would have stayed, but no one could.

When Jesse was leaving in 2022, he was given an award he received that he earned back in November of 2021 from the North Dakota Post Board. There is never any acknowledgment of the officer's good deeds. Because of COVID no one was allowed to congregate in the hallways, etc. Sergeants kind of gave up. If he brought up an issue, a dispute with a fellow police officer, he was asked how he would take care of it. He felt it was the leadership's job to figure it out. Leadership did not care about the police officers. Many seasoned officers were leaving. No one was held accountable.

The command staff was supposed to be supportive, accountable, and transparent. The command staff's job is to support their officers. He is thankful for his time at Minot Police Department. When he left there was no exit interview with HR. Nothing that Chief Klug could have said that would have changed his mind.

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Inside the department, they did not know how to speak to their people. Just because someone passed a test and was promoted it did not mean they were a leader. One thing he repeatedly heard was that "that's the way we have always done…."

When all that is left are young officers without life experience it does not work. The department was short-staffed. People could not take vacations and were overworked. Working 120 hours plus no support from the Department was too much.

One Sergeant Burns was old school, but he was learning a lot of stuff all at once from him.

He sold cars for a while and has now been a Sgt for almost a year. The call volume is a lot different.

Heather Summers

Koelbel interviewed Heather Summers on October 24, 2024, at 4:30 p.m. CT. She started on August 3, 2015. She was in a patrol officer position. In January 2018, she moved to an investigation role. In Fall 2019, she was promoted to Senior Patrol Officer. She left in July 2020, just shy of the five-year mark.

She had access to the Minot Police Department Policy Manual and the Employee Handbook consistently. A grievance procedure was not communicated. It was something she had to discover on her own and did not discover until 2020 on her way out the door.

The command staff were Chief Olson, Captain Klug, Captain Sundheim, and Captain Whitesell.

Her direct supervisors were Sergeant Wilk (known for having favorites and expressed in actions – brought up to Sergeant Burns and it was brushed away) and Sergeant Lackey (terminated).

It was considered taboo to go the route of HR. In the last four years, she never heard of the grievance process.

Started having specific issues with Captain Klug. She requested light duty for being pregnant with her now six-year-old. She felt burnt out on patrol. 2018 started feeling burned out and investigations were a way to reignite her passion for her job. Now she has to go to counseling to deal with all of the issues.

Lieutenant Wegner and Captain Klug told her that she was bringing undue hardship to the department by becoming pregnant. She was put on light duty with doctor's notes specifically, unpredictable subjects, and firearms. She had asked her doctor to be very explicit, because she knew that the department would find a gray area. Going through light duty she felt like less of a person. She was not allowed to do anything and was just as much of a burden as she felt she was. She felt like a waste of space. She could not look at any case files, unless they were specifically assigned to her. Wegner made a huge deal one day when she had to get an ultrasound. When she went on maternity leave, Wegner reiterated that she was a burden on the department.

She spoke to Jessica Sundheim and Jessica told her that things would get better once she had the baby. Jessica separated after Heather left.

In 2019, she returned from maternity leave early, because she felt so guilty. Had a difficult pregnancy. In February 2019, she was back to investigations. As soon as she comes back Wegner said to watch the little things, it is the little things that matter. She is very much we do this as a team. If she sees someone

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struggling to hold their load, then she will set down her load and help someone else. She helped Mikali Talbott log her photographs, and Wegner chastised her for it. Heather said, "I guess I am going to be written up today…" She was assigned domestic violence cases. She was not perfect. She owns up right away when a mistake is brought up. It went from a gradual decline to sprinting downhill.

A couple had a lot of contact with the Police Department. She wanted to talk to the people involved. She watched video footage with the female victim, which she was not supposed to do. She issued a warrant and reached out to the male party. She did not hear back for a long time. Finally, the male gets back to her and says watch the footage again, the warrant is garbage. Olson sat down with her and re-watched the video. He tells her he is glad she caught the issue. She went to the court and dismissed the warrant.

Ther[redacted] at the time was being abused in daycare by the wife of a Fire Captain. It took a while for it to become a criminal case. She thinks this is part of the "good ol boys" club. She brought up to Captain Klug that she would not be able to work with the Fire Department. Another baby suffered similar injuries and almost died. In November 2019, she asked to be sent back to patrol. In and out of Wegner's office and being chastised for something. Either in the report, style or used the radio wrong. Very nitpicky stuff that her direct supervisor advised her to go back to patrol. June 19 to November 19, she kept asking to go back on patrol. They said two opposite things: "I'm not sure this is a good fit." But when she asked if she could go back to patrol they would say "No you have to give it more time. It's a learning curve. We see this improvement."

Based on other interviews, the alleged abuse of the child in daycare did not occur in the City's jurisdiction.

Sundheim in November asked if she was ever given *Garrity* rights. She is known for being very good. She usually had three and four in her performance reviews. Some weird stuff was going on. There was to be an internal investigation into her conduct. They had a complaint from an individual about that bad warrant. She cried and in front of someone when she did not feel safe. She already felt like a black sheep. Two people, Det. Guerton and Lt. Wegner, were in and out of Captain Sundheim's office for the investigation.

She learned how to read lips, because she needed tubes in her ears and when she worked in a prison that skill determined whether she got out of there alive.

Justin re-watched the video that she watched with Chief Olson. Very distraught. He said, "We are here because a private citizen made a complaint that one of their officers is being discriminatory (or sexist)." She realized that she was not mentally fit and wanted to leave. Mikali Talbott suggested she leave for the day. Sergeant Goodman told her to take time and leave for the rest of the day.

Her husband, Ryan, is a deputy at the Sheriff's Department. He was shocked when she called so hysterical. They discussed and were going to request to be put back in patrol.

Annual evaluation with Wegner. All threes and fours. At the end of the email, he said we are asking that you go back to patrol or be terminated. Asked for the day shift. His final comments were that she is a good officer, but your judgment is questionable. She took the time to build relationships, get fire training, took the time to adapt to everything they asked her to do. She was sent back to patrol telling her that her judgment was questionable.

Husband told her she had to get out of there, but they could not afford it on his $30.00/hr.

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She stayed in the Investigation Division until January 2020. Still did not feel safe with them. Not their fault really but it was perpetuated by the lack of mental health support. Chief Klug exacerbates it greatly. It does not get better from there.

Klug is then Chief. Olson sent an email that "it was a pleasure to work with her even during this hiccup that should have never happened." She failed handgun certification and overthought really badly. Months later, Lackey calls her back to the station and brings her to Klug's office. Never got along with Lackey, who became a Lieutenant.

Now we're realizing she has mental health problems. She was taken off the road, the gun removed and was supposed to work with Haug. Then she would go re-test. She passes the test, but is constantly called back to the station by the sergeants including Lackey. Lackey says they are watching body cam videos and tells Heather "You cannot talk to people like that (she said the people she was speaking to in the video said they were going to take her shotgun and blow her head off). You cannot share your lunch with a private citizen, because you don't know what they are allergic to."

Rookie Chris Robinson, Shane Adelman, Josh Lund, and Matt Pappenfus were her support system. Brought the concern of how deteriorated she was to Sergeant Noyes.

In May, stepdad passed away and was not allowed to go back to Michigan to visit. Once he passed away, she was told she could not go back to stay with her family. Not living up to the words, Chief Klug who had hired her specifically said that they take care of their own like family.

COVID was isolating. She could not converse with dispatch unnecessarily and could not go back to the station. It hit her badly. If this place doesn't care about me then I don't care about myself. Pat Blanchard said they took the person who she was and made her the worst version of herself.

Sergeant Jared Foley was going through similar things she was going through. She was in a dark place that she almost committed to the thought of driving her car into an oncoming train. It would take a while for someone to find her, and it would not be her husband.

She quit. She went down to the locker room. She said she would be in the briefing office. Went home early. Parked car on side of highway 52-mile marker across from grain silo waited to hear a train horn. Said she could roll her car in front of the train. Then she received a text from her husband. An hour had passed since she had been there. She showed back to shift. She felt very alone. She asked for help and no one told her where it was. They told her, she should go talk to the Chief.

She referred to the medication therapist that she has an appointment with today who works in the same office as the Chief's spouse. She does not particularly think that she respects patient confidentiality at that therapists office. When she (Chief's wife) was at the Department, (in-house social worker), she did not have a real stable track record. She is known for almost causing shootouts by agitating the perpetrators. Summers equates a conversation with her (Chief's wife) as having a conversation with a convicted killer. Ashley Healy is her medical professional. That two-year time period affected her so deeply that she had to go to counseling. Summers is working on how to take criticism.

What Jenna Bjork went through was far worse than what she went through. When she wrote her resignation letter, and was told by Chief Klug she was not to submit to HR. She gave the letter to Lisa and Lisa said this was the first time they ever received a complaint. She followed her down the stairs and heard papers being passed back and forth and the other lady said we have a problem.

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Chief Klug destroyed close to 100 officers in three years.

Pat committed suicide. She was not invited to his funeral.

No one knew she was leaving. She received a bunch of texts to find out where she was.

When they announced that he was being sworn in. A male private citizen of the community in the news told them you are going to get what you deserve. She was mistaken about the report. She pulled up the article in which Chief Klug said they are getting what is coming to them. They all requested the guy from out of state to be Chief. And many of them would stay. Members of City Hall came down to ask.

Josh Lund was in his basement ready to eat one too. He was terminated for a policy violation. He was told to disengage from a pursuit, but did not have the opportunity to do so. Josh was getting ready to put spike strips. Matt Pappenfus got away with a lot, because Chief Klug liked him.

Noyes also got away with a lot too. Local defense attorneys attempted to Giglio him, because his testimony did not match up to the body camera. You cannot lie as an officer. And nothing came of it. Once before Klug was Chief and the other incident was as he was coming on as Chief.

She believes Kevin Corey was terminated after he was cleared regarding the use of force issues.

From: admamoss@srt.com [redacted]
Sent: Monday, November 25, 2024 8:25 PM
To: Heintzelman, Yvette <yheintzelman@clarkhill.com>
Subject: Re: Police Department Investigation Concern and Opportunity for Correction

[External Message]

Good evening Yvette,

Based upon the below email from Harold Stewart below, I have a few corrections to the summary of our conversation as detailed in the City of Minot Investigation.

1) The FOP Lodge identified doesn't exist. I'm not sure we discussed the actual name of the Lodge but we did describe the region it covers. The correct name is Souris Valley Regional Lodge #7. We are also often referred to less formally as NDFOP Lodge #7.

2) The meeting with Chief Klug regarding the radio failure included far more than the radio incident itself. I had two members approach me, when I was Lodge President, telling me they were both ready to resign from the department (Officers Shaide and Summerville). Both indicated a perceived lack of care from the chain of command following the radio incident where they both received minor injuries in making an arrest of a resistant suspect. For Shaide, this could be described as a "final straw" type conclusion, because he had been reporting to his supervision for three years of radio failure problems that were never adequately addressed. When both radios failed while the officers were arresting an actively resistant intoxicated suspect the only way they got the call for help out was when Summerville was able to use her cell phone to call 911. This method of communication was documented by dispatch at the time of the call. This was also a large part of the discussion with Chief Klug with Kenton Kossan and I following the incident, because Klug opined that there might not have been a radio failure due to the possibility of both officers losing fine motor skills under stress of the incident making it difficult to key their radio mic's. I explained that this possibility was absurd because Summerville was able to dial 911 on her cell phone to actually complete the communication. Radio testing done by the Motorola representative discovered the problem was defective mic's. The other topic of perception of not the Chief not caring is what led to him snapping at me when I explained the officers' feelings. Chief Klug seemed more concerned with convincing me that he cared, rather than addressing the lack of perception among the rank and file and further he was dismissive of the officers' complaint that nobody had reached out to them to check on them since it wasn't that serious of an incident (apparently completely missing the point that it was the culmination of a few years of unresolved

equipment failure and the fear it may lead to far worse than bumps and bruises now that two officers WERE hurt). Subsequent chats his with supervision bolstered this belief with Shaide being informed that the incident wasn't so bad. The concern was that he was continuously dismissed and the radio problems not addressed, and pointing out it could have been much worse wasn't addressed. While it's true the grievance process wasn't utilized, this was addressed through the chain of command, and when my members came to me, I took the brunt of the displeasure that the Chief expressed (which was my duty as their representative, but certainly didn't endear me with the boss), but got the radio problem resolved. In this instances there was no need for a formal grievance. Both officers informed me that after the meeting, the Chief did approach them checking on them. And while neither of them were impressed with the tenor of the department wide email from Captain Sundheim addressing the steps taken to correct the equipment failure, that was written with a tone perceived as blaming officers or unnecessarily instructive of officers reiterating they have a duty to report equipment problems (after this had been done in this instance repeatedly). Both officers who were immediately ready to tender their resignations remained on the department (and are still there today) after Kenton and I addressed this with the Chief and I took the "slings and arrows" that they feared. To this day, I'm not convinced that anyone on the command staff recognizes that this was addressed this way (my involvement as FOP Lodge President) because there was a breakdown in communication from the top, that did nothing to dispel beliefs that their concerns would be timely addressed or their safety was at the forefront of Chief's mind. Chief Klug was seemingly more focused on expressing his irritation that I personally was addressing this with him. This was particularly evidenced by his snapping at me "Why would they come to YOU?" I had to explain that they came to me as their FOP representation, just like officers used to come to him back when he was president of the Police Employees Union (which predated the FOP in Minot).

3) The report says "Surprisingly, Moss indicated that the FOP did not know the City had a grievance process". I don't remember saying this because I am aware of this process's existence. If I did say it, I may have misunderstood the question or was answering it out of context, but I am aware the process is in policy.

4) The report indicates that previous Chiefs had quarterly meetings with the FOP. This is not true. First, during my tenure in various positions on the Lodge #7 executive board, Chief Jason Olson is the only other Chief to have served the Minot Police Department at the same time as the existence of the Lodge. Neither he nor Chief Klug held quarterly meetings with the FOP. While both Chiefs would agree to formal meetings if asked, Chief Olson was the only one of the two that actively sought out input from the Lodge both formally and informally. The biggest example of formal inclusion was Chief Olson insisting on FOP's participation in a several months long policy drafting series of meetings with his Captains regarding the drug testing policy (where he implemented each of our suggestions and heard our opinions on what he was thinking of adding, ultimately resulting in a written memorandum of support from the Lodge). The only time Chief Klug has asked the Lodge for support was for a financial donation to purchase several children's books called "When You are Brave" to be added to backpacks for donation to the 31:8 project (a nonprofit that works in the field of human trafficking education, advocacy, and awareness). These backpacks were then donated to this organization by Minot PD records employees who attended a conference where 31:8 was in attendance. (Law Enforcement Administrative Support - ND Conference, which was then held in Bowman, ND in October 2021).

5) The report attributes a comment to me saying during promotion interviews with the Chief, he asks "What can we do better?". While I don't wish to be semantical, the question he always asked was what HE could do better (as in what can I as the Chief do better). My response never waivered....downward communication.

Thank you for the opportunity to clarify the record.

Aaron Moss
NDFOP Lodge #7

Thank you for coming forward and participating in the Police Department Investigation. I am emailing you as a participant because I have been made aware many of you, after reading the final report, do not believe the report accurately reflects what you stated during the interview. Given I strongly believe this is a concern needing remedied, I have reached out to Yvette regarding the issue. She has responded that anyone who identifies issues with the summary of their interview can submit a response, and she will review the comments and consider a change to the report. If you have already provided me an email outlining your concerns it has already been forwarded to Yvette for her review. Yvette is copied on this email so you can provide them directly to her if you would like. I would recommend if you have proposed corrections, they be provided as soon as possible so an updated version of the report can be completed.

Harold Stewart, MPA, ICMA-Credentialed
City of Minot, City Manager
Office Phone: 701-857-4750
Mobile Phone: 701-833-3860

City of Minot

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From: Harold Stewart <harold.stewart@minotnd.gov>
Sent: Tuesday, November 26, 2024 1:49 PM
To: Jenna Bjork
Cc: Heintzelman, Yvette
Subject: RE: Police Department Investigation Concern and Opportunity for Correction

[External Message]

Ms. Bjork,

That is definitely your decision to make and will respect it if it is what you decide. To be clear, the legal matter between two members of the department is a separate legal action one took against the other. It pertains to statements made and provided in the documentation provided by Alderman Fuller and not from the work completed by Clark Hill. The City has taken no actions regarding the report to date. Regardless, if you choose not to participate further we will respect your decision.

Harold

From: Jenna Bjork [redacted]
Sent: Tuesday, November 26, 2024 12:38 PM
To: Harold Stewart <harold.stewart@minotnd.gov>
Cc: Heintzelman, Yvette <yheintzelman@clarkhill.com>
Subject: Re: Police Department Investigation Concern and Opportunity for Correction

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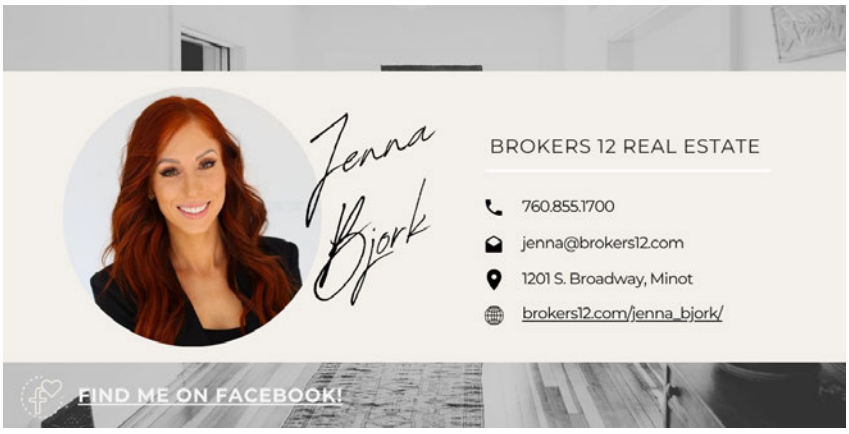
Harold -

Thank you for getting back to me. Respectfully, I will no longer be participating in anything associated with Clark Hill due to the number of people that are now facing civil (possibly criminal?) litigation.

Respectfully,



On Mon, Nov 25, 2024 at 5:26 PM Harold Stewart <harold.stewart@minotnd.gov> wrote:

> Thank you for coming forward and participating in the Police Department Investigation. I am emailing you as a participant because I have been made aware many of you, after reading the final report, do not believe the report accurately reflects what you stated during the interview. Given I strongly believe this is a concern needing remedied, I have reached out to Yvette regarding the issue. She has responded that anyone who identifies issues with the summary of their interview can submit a response, and she will review the comments and consider a change to the report. If you have already provided me an email outlining your concerns it has already been forwarded to Yvette for her review. Yvette is copied on this email so you can provide them directly to her if you would like. I would recommend if you have proposed corrections, they be provided as soon as possible so an updated version of the report can be completed.

Harold Stewart, MPA, ICMA-Credentialed

City of Minot, City Manager

Office Phone: 701-857-4750

Mobile Phone: 701-833-3860

City of Minot

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From: Harold Stewart <harold.stewart@minotnd.gov>
Sent: Saturday, November 23, 2024 2:22 PM
To: Stefanie Stalheim; Mikayla McWilliams; Lisa Jundt; Heintzelman, Yvette; Dale Plessas
Subject: Fw: PD Investigation
Attachments: Lisa Jundt Letter.pdf

[External Message]

Get Outlook for iOS

From: Jenna Bjork [redacted]
Sent: Saturday, November 23, 2024 11:59:54 AM
To: Tom Ross <tom.ross@minotnd.gov>; Mark Jantzer <mark.jantzer@minotnd.gov>; Lisa Olson <lisa.olson@minotnd.gov>; Mike Blessum <mike.blessum@minotnd.gov>; Rob Fuller <rob.fuller@minotnd.gov>; Paul Pitner <paul.pitner@minotnd.gov>; Scott Samuelson <scott.samuelson@minotnd.gov>; cmgr@minotnd.gov <cmgr@minotnd.gov>; Harold Stewart <harold.stewart@minotnd.gov>
Subject: PD Investigation

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Good morning,

First, I want to thank all of you for prioritizing the morale and leadership issues present in the Minot Police Department. I worked for MPD for about 6.5 years and planned on retiring with the City. I truly loved coming to work everyday and believed in the mission.

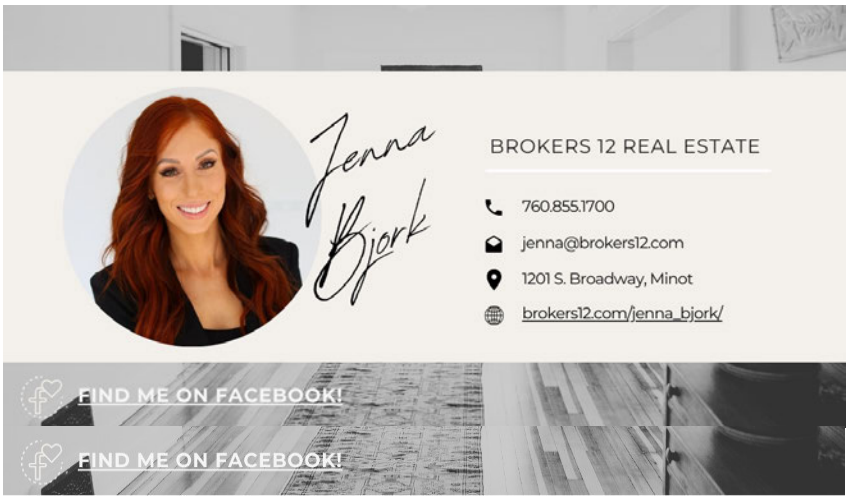
I was very encouraged to hear that The City was taking MPD feedback seriously and agreed to conduct an external interview. I participated in the interview process with Clark Hill and have read the report. I noticed several errors in my interview (incorrect dates, names, words used that I did not use, etc). I am happy to send a typed, corrected report of my statement if necessary.

In addition, I am genuinely shocked at the very obvious bias in this report. I believe this report reads more like a teenager's diary than a professional, impartial legal report completed by a competent attorney. The report contains several grammatical and spelling errors (some of the names mentioned in the report such as " Jenna Olson", "Gary Johnson", "Collin Hall", "Kristen Becker" are incorrect, for example) and appears to contain equal amounts of "facts" and the investigators personal opinions about individuals. I could not help but notice some of the colloquial and inflammatory language used (some of which appears to be directed at Rob Fuller?). In the first paragraph of the investigators report, she describes the scope of the investigation as "an external investigation regarding allegations of hostile work environment, inconsistent discipline, staff confidence in leadership, staff retention, staff morale and staff concerns of retaliation of Chief John Klug". It seems strange that the investigator spent any time at all inserting what appears to be personal opinion about Rob Fuller considering the scope of the investigation. Considering the amount of money The City spent on this investigation, I think we should all be concerned with the level of professionalism (or lack thereof) and accuracy with this report.

I have also attached my formal grievance regarding Lisa Jundt to this email as I feel my interview in this report does not fully explain the scope of what transpired between Ms. Jundt and I.

I understand The Council and Mr. Stewart have quite a bit on their plates these days and your diligence with this matter does not go unnoticed. For what it's worth, several other interviewees have reached out to me expressing great concerns with the accuracy of this report and plan to attend the next council meeting.

Respectfully,



Minot Police Department

Harold Stewart
City Manager
City of Minot
515 2nd Ave SW

Dear Sir,

I write you this letter to inform you of a formal grievance regarding my use of sick leave for a medical procedure and a decision made by Human Resources (HR). On February 15th, 2022, I received medical procedure. I advised Lieutenant Shawn Wegner and Sergeant Paul Burns sometime in late fall/early winter of 2021 and requested 15 work days off. I reviewed the Minot Police Department Policy regarding sick leave (policy attached) and provided my command staff with leave slips requesting 150 hours of sick leave to cover the 15 days. At no point prior to my surgery was I advised I would be unable to draw from my sick leave bank for this procedure.

I returned to work March 12th, 2022. Approximately one week after returning to work, Lt. Wegner advised me I needed to provide HR with a note from my surgeon's office stating I was cleared to return to work. I received this request towards the end of the last day of my tour and was leaving to go out of state early the next day. I returned to work approximately five days later and hand delivered a copy of the requested note to Lisa Jundt. Ms. Jundt reviewed the note and stated it would not suffice as she had been advised by my supervisor that the medical procedure I received was "elective". I told Ms. Jundt I had not told my supervisor that the procedure was "elective" and I was unsure of where that information came from. Ms. Jundt then advised me I would need to provide her with a note from my surgeon's office stating the procedure was "medically necessary". I asked Ms. Jundt to define "medically necessary" and she explained it as a procedure that is necessary to perform the duties of my job. I advised Ms. Jundt I had previously elected to have three knee surgeries while employed by the City of Minot and was never required to furnish a note stating I received a "medically necessary" procedure nor was I questioned about whether or not the procedure was "elective". These three knee surgeries were not necessary for me to perform the duties of job; however, I was advised by an orthopedic surgeon of possible negative long term health effects should I have elected to forego the knee procedures. I elected to have the procedures and was allowed to draw from sick leave bank for all three procedures. On average, I was unable to perform the duties of my job as a law enforcement officer for

anywhere from six to nine months for each surgery and ultimately drained my sick leave bank after each surgery.

I also advised Ms. Jundt I was aware of at least two other police officers that had recently had medical procedures where they were permitted to use sick leave for their recovery periods and neither of them were questioned by anyone from HR about the "elective" nature of their procedures nor were they required to furnish a note from their surgeon's office stating the procedures performed were "medically necessary". In addition, a separate Minot Police Officer received the same medical procedure performed by the same surgeon and was advised by their supervisor at the time to draw from their sick leave bank. I asked Ms. Jundt about this discrepancy and was Ms. Jundt replied by saying she "would not argue" with me. I asked Ms. Jundt if she intended to investigate other city employees' past claims for sick leave for medical procedures to ensure the same standards and policies were being enforced and Ms. Jundt replied "no". I asked Ms. Jundt if, as the director of HR, she would not answer my questions or address my concerns, who could? Ms. Jundt directed me to the Minot Police Department Policy and my command staff.

I left Ms. Jundt's office and immediately went to speak with Lt. Wegner. Lt. Wegner advised me he may have miscommunicated to Ms. Jundt regarding the "elective" nature of my procedure and apologized to me for creating any confusion. Lt. Wegner and I then reviewed the Minot Police Department policy regarding sick leave and noticed the word "elective" is not mentioned anywhere in the policy nor does it state that I am required to furnish a note stating the procedure was "medically necessary". In subsection (d) of section 7 of the Minot Police Department sick leave policy, it states "Employees who have claims for sick leave may be required to furnish a doctor's certificate to return to work" which I had provided to Ms. Jundt (see attached). Lt. Wegner stated he would report the matter to Captain Justin Sundheim.

On 03/31/22, I was advised by Capt. Sundheim the decision had been made to draw the 150 hours of paid time off from my vacation bank rather than my sick leave bank. Should that occur, I would have approximately 18 hours of vacation time remaining. I have already submitted vacation leave slips and planned trips for the summer based off of the 168 hours of vacation time I currently have stored. These plans include a visit from my family who have not been able to visit in several years due to COVID and other hardships. I have worked for Minot Police Department for approximately six years and was recently promoted to Master Police Officer in December 2021. I am a Board Member for the Domestic Violence Crisis Center, a member of the Crime Scene Response Unit and was recently selected for the position of Field Training Officer. I was born and raised in San Diego, California where the rest of my family currently still resides. I have no family within a 1,000 mile radius of Minot, but have lived here since 2015 despite that. I have chosen to stay in Minot because I genuinely love this city and have developed a deep appreciation the law enforcement-friendly community which is most certainly not the case back home. I have established

meaningful relationships through this department and this city with people I now consider family and who make it so I truly love coming to work every day. I believe I have established a reputation at the Police Department for being hardworking, honest and trustworthy. I take immense pride in my character and work ethic and have built a life here in Minot that I have no intentions of leaving.

The lack of consistency and obvious discrepancies in the enforcement of these policies is frustrating as a dedicated employee who has no history of abusing the sick leave policy. In addition, Ms. Jundt's admitted disparity in the enforcement of these policies is unfair as the main concern here stems from a self-confessed miscommunication by Lt. Wegner. I have been advised by multiple command staff now stating the Minot Police Department policy regarding sick leave is ambiguous and needs to be reconsidered which I am more than happy to assist with in whatever capacity I can just not at my expense as I do not believe I am in violation of the current policy. I appreciate your consideration with this matter.

Respectfully,

Jenna Bjork 423/7956

Officer Jenna Bjork 423/7956

When a holiday falls on a Saturday, the Friday preceding shall be considered the holiday. When a holiday falls on a Sunday, the Monday following shall be the holiday.

6 ANNUAL LEAVE

Annual leave with pay shall accrue to each full-time employee as follows: 1.17 days per month for one to five years of service (14 days annually); 1.42 days per month accrual five to ten years of service (17 days annually); 1.67 days per month accrual ten to fifteen years of service (20 days annually); 1.92 days per month accrual after fifteen years of service (23 days annually).

37.50 days (300 hours) maximum vacation accrual will be carried over the first payroll of each year. Employees will be allowed to exceed the 37.50 days (300 hours) maximum accrual during the course of the calendar year. However, all annual leave accrued beyond the 37.50 day (300 hour) maximum must be scheduled and used before the end of the calendar year. Any annual leave beyond the 37.50 day (300 hour) maximum, that has not been used prior to January 1st, annually, will be deleted from the employee's balance of accrued annual leave.

Use of annual leave must be approved in advance of the leave. However, supervisors will work with their employees to try to ensure their annual leave is scheduled, and so as not to lose any accrued annual leave.

Any employee leaving employment with the City of Minot for any reason should schedule and use any annual leave accrued beyond the 37.50 day (300 hour) maximum before leaving City employment, or the excess annual leave will be deleted from the employees' balance of accrued annual leave, the final date of employment.

Probationary employees will be allowed to use accrued vacation prior to completing their probationary period provided the requested leave has been approved in advance by the immediate Supervisor and Department Head, and does not interfere with normal business operations.

7. SICK LEAVE AND VIOLATION OF POLICY

(a) Sick leave is hereby defined to mean the absence of an employee because of illness, or bereavement of the employee only.

(b) All full-time employees will accrue sick leave at a rate of eight (8) hours for each full month of service. Sick leave for Non-Career and applicable part-time employees will be pro-rated in proportion to the hours worked. Sick leave used by Fire Department personnel will be charged as follows: 16 hours for each shift off. When sick leave is begun during on-duty time, the number of hours sick during that shift will be charged to a maximum of 16 hours.

(c) Sick leave which has been accrued and not used may be carried forward to the following calendar year. There is no maximum limit to the amount of sick leave which may be accrued by the employee.

(d) Requests for sick leave shall be subject to investigation when the Supervisor or Department Head deems necessary including an investigation before or after the grant of sick leave to determine if the grant is or was warranted. Employees who have claims for sick leave may be required to furnish a doctor's certificate to return to work

(e) Supervisors are responsible for administering these rules and regulations.

(f) Whenever employees are unable to report to work because of illness, they must contact their Supervisor or Department Head as soon as possible.

(g) A sick leave request form must be completed immediately upon return to work

(h) Medical and dental appointments will be authorized during work hours, as long as the employee notifies their supervisor in advance of the appointment within a reasonable amount of time, so as to ensure there is adequate personnel for work coverage. However, to the extent that is possible, employees are encouraged to set appointments during non-peak working time for their position.

(i) Sick leave in advance cannot be granted except in cases of serious disability or ailments, considered together with exigencies of the situation and then not for a period of more than thirty (30) days. Sick leave granted in advance shall be deducted from sick leave, which subsequently accrues when the employee returns to work. If an employee terminates employment with a deficit in accrued sick leave, such deficits shall be charged against accrued vacation time and if that is not sufficient, against wages due.

(j) Employees violating these sick leave rules and regulations will be subject to the following disciplinary actions:
1) First offense – Written warning and one (1) day off without pay. (1 day equals 8 hours unpaid).
2) Second Offense - One (1) week off without pay.
3) Third Offense - Dismissal.

(k) The rules and regulations set forth herein are subject to amendment by the Civil Service Commission.

8. EXPANDED SICK LEAVE POLICY

Accumulated sick leave not to exceed forty (40) hours per calendar year may be granted to an employee at the discretion of the Department Head, to tend to the needs of certain family members who are ill or to assist family members in obtaining medical services. For the purpose of this section, family members are defined as an employee's spouse, parent, child; or other relative who is financially or legally dependent upon the employee. Expanded sick leave hours are taken from the employee's sick leave accrual.

9. SICK LEAVE BANK POLICY

A Sick Leave Bank is available to all full-time City employees of permanent Civil Service status and does not include employees in probationary status. The purpose of this bank shall be for unexpected and catastrophic illness and/or injury of the employee.

Employees may decide to participate or discontinue participation in the Sick Leave Bank during open enrollment, with membership to begin on January 1st of each year. At the onset of participation, the employee must have a minimum of 88 hours of Sick Leave accrual and will be assessed a contribution of eight (8) hours to the Bank. As of January 1st of each year, if the Bank

falls below 400 hours, each eligible participating employee will be assessed an additional eight (8) hours to continue membership.

Any member of the Bank having used their total accumulated sick leave may apply to the Sick Leave Bank Committee for consideration to draw upon the Bank. A medical doctor's certificate of illness shall accompany all applications. The SLB Committee shall supervise the use of the bank, review, accept or reject applications, maintain proper balance and provide reasonable assurance that the Bank is not abused and assure the established rules and regulations are followed. The donating employee retains no vested right in the hours donated or in being eligible to receive benefits as a result of their contribution.

10. BEREAVEMENT LEAVE

In the event of a death in the immediate family of an employee, a period of three (3) consecutive working days (24 working hours) shall be granted to attend the funeral of the deceased. A total of two (2) additional consecutive working days may be granted for travel if the funeral is of a distance greater than three hundred (300) miles from the city of Minot. For additional hours beyond those stated above, annual leave must be used.

Immediate family shall include the employee's mother, father, grandmother, grandfather, sister, brother, spouse, child, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepmother, stepfather, stepsister, stepbrother, or any other relative who is actually living in the same household of the employee.

Bereavement leave is assessed against an employee's available Sick Leave accrual and can only be assessed if there is available Sick Leave accrual for use. If the employee does not have available Sick Leave accrual, they are also able to use Vacation Leave accrual or take leave as unpaid.

11. MATERNITY LEAVE / PATERNITY LEAVE

Employees are eligible for maternity leave under the Sick Leave Policy. For purpose of this policy, delivered pregnancies or miscarriages, are viewed as medical reasons and as such, are treated as other medical reasons in terms of sick leave.

Pregnant employees are encouraged to report the existence of pregnancy as soon as possible. A pregnant employee who is medically disabled from the performance of her duties must be treated the same as any other employee similarly disabled insofar as sick leave benefits are concerned.

Expectant fathers are able to use the allowable forty (40) hours per calendar year of Expanded Sick Leave for the purpose of Paternity Leave as well as one (1) day of basic Sick Leave for the day of the child's delivery and (1) day to assist the child/mother in leaving the hospital.

12. PERSONAL DAY

Annually, on January 1st, each full-time employee - who has been an employee of the City for at least one year - shall be entitled to eight (8) hours of personal annual leave each calendar year, which leave, if not availed of by the employee before the end of the calendar year, shall expire and

shall not be carried over to the succeeding year or otherwise compensated for. The employee shall take it at such time or times as the department head may designate.

13. MILITARY LEAVE

The City of Minot will approve military leave of absence requests from employees in order for employees to fulfill their military training and service obligations, provided the employee has military orders.

The City of Minot does not require the use of annual leave for military leave.

a) Up to 20 days per year for paid military leave will be granted to employees for the required annual camp and for other military training or duty when ordered by proper authority to active non-civilian employment. However, the City of Minot does not recognize 'orders' issued under 10 USC Section 672(d) (voluntary active duty) as proper orders for the purpose of granting paid military leave, instead an unpaid leave-of-absence will be granted, unless the employee requests to use annual leave in order to receive pay while on 672(d) military leave.

b) Any military leave caused by the full or partial mobilization of the Reserve and National Guard, or emergency state active duty, will be granted with pay for the first 30 days thereof, less any other paid military leave which may have been granted during the calendar year, pursuant to our military leave policy.

c) If leave is needed for weekend, daily, or hourly periods of drill for military training, employees will be given the option of time off without pay or scheduling said training to off-duty hours.

14. LONG-TERM DISABILITY

The City of Minot purchases a long-term disability policy for all employees. This policy is written through Unum Life Insurance Company. If you become disabled while insured under the policy, the policyholder will pay long term monthly disability benefits during your disability, but not beyond the maximum benefit period.

The policy provides for a monthly disability payment to the employee in the amount of 66.66% of monthly pay as determined on the day before the period of disability starts. This disability payment has a waiting (qualifying) period of 180 days before monthly payments begin. If the employee remains disabled, this payment will continue until the employee reaches retirement age. At that time, the employee will receive pension payments.

The long-term disability policy also includes survivor benefit provisions and rehabilitation plans for the employee and spouse.

Each employee is given a Group Benefits Certificate of Insurance policy upon enrollment. This document provides the full details and provisions of the policy and should be kept by all employees as their proof of coverage.

A full copy of the policy is also kept on file in the Human Resource Office for review upon request.

Belinda Gladback

On October 2, 2024, Heintzelman interviewed Belinda Gladback. Officer Gladback has been a patrol officer for 8-1/2 years. She has worked midnights for the past two years. When asked why she wanted to work midnights, she indicated that she wanted to stay away from everyone. She also indicated that gets migraine headaches, but has not gone to a doctor to request accommodation for working the night shift. (While this is true, I have seen a doctor in the past and was then seen by an eye doctor. Which is when I was prescribed glasses. I have not had any migraines since. I did not want to go get a doctor's note saying, Belinda needs more sleep and therefore should be removed from night shift. Because one would think that if someone was having an issue and they brought it up to an administrator, the problem would be taken of.) In the past, she has had issues working with certain Sergeants and Lieutenants, but when she spoke to her ex-husband about it, he did not agree with her perspective on how she was being treated. (This is not true, he just believed that I should not "ruffle feathers" as the saying goes.) She received a very bad evaluation from Sergeant Foley. In 2021, Sgt. Foley told her that she was "not where she should be if she wanted to be a Master Officer."(and implied that I was stupid several times) The Master Officer is a test that officers take after they've been with the Department for five years. She indicated that she made grammatical mistakes in her reports, but did not think that the mistakes changed the substance of the report so she did not understand why she was criticized for the mistakes. (While this is true, you're minimizing it. He made several corrections over and over again on the same reports, he continuously kicked things back to me to fix things that were not to his liking. He made me do reports and follow up that others did not have to do) She said that Sergeant Foley made working for him difficult. Amanda Somerville, Mat Cole, and she had to "dot their 'I's' and cross their 't's"" to stay out of trouble. She got into trouble with Officer Olson indicating that he did not like a comment she made about a child being "ugly" because a child had special needs. (This is not necessary in this report, you kept asking for more information, who said this, who said that, how do you know this. I was giving you back story as you kept saying you did not know any of these people; and I never called the child ugly.) She said that Sergeant Strandemo is much easier to work with, because he's supportive and talks to her. She believes there is a stigma around her that she is difficult to work with or that she makes things difficult for other people. (I don't remember saying this. While I was told there is a kind of stigma about me, no one has told me what that is.) She applied, but did not get an assignment to be an FTO or an SRO. She does not know who the other applicants for those positions were or whether they were more qualified for the position. She does not know whether they had any problems with the consistency of their police reports she thought her reports looked fine to her. (I know some of the applicants that applied, although I think we all have different strengths, some of the officers were chosen are not good with people and have a hard time teaching people. When I asked why I did not get the position of FTO, I was informed it was because of my inconsistency with my reports. However, after speaking with the FTO Sgt. at the time, I was informed that he did not see any problems with my reports and believed it had to with Lt. Wegner not liking me.) She complains that the lieutenants would "get on you" if you did anything that was outside of policy. She identified Lieutenant Wegner as one of those lieutenants. She believes that the smallest fraction would get you counseling. She recalls a situation where Lieutenant Wegner shoved the notebook in her vest and said "If you're going to carry a notebook, make sure it isn't seen." She indicated that at the time, she had a notebook in her vest, which was popping up the top of her vest pocket. Recently, she scratched the side of the squad car. She told Sergeant Strandemo who took photos and documented the damage. She compared that situation to Jessica Presley having an "at fault" car accident. She claimed that Presley totaled three cars and did not

have to write a “dear Chief letter” about the accidents. Gladback thought the incident was over after she wrote the report, however Lieutenant Wegner called her into his office to talk about it. (There have been several officers who have scratched patrol vehicles and have not been talked to about it or had to write any letters. I did not just believe that, the incident was over, I was told that by my Sgt. When I was called into Wegner’s officer it was more than a week or two after the incident and it wasn’t much of a “conversation.”) Gladback indicated that anytime she or an officer gets talked to, the sergeants are supposed to know about it. Her sergeant told her that’s the way it’s supposed to be. However, Sgt. Strandemo told her that he thinks Lt. Wegner is harder on women. Sgt. Strandemo indicated that he saw it with Sergeant Taylor Jensen as well. She indicated there were several incidents with Jensen that he went to Captain Sundheim about with a suggestion on how to fix it. She started documenting things when a male officer engaged in the conduct and how they were treated. Gladback says that now marijuana is charged as an infraction, which is slightly more than a traffic ticket. You have to be charged with it three times before it becomes a B misdemeanor. Patrol Officers have the discretion whether to charge or not to charge marijuana. She states that Patrol Officer William DeNovio was there and that he made a decision not to charge someone with a marijuana violation and did not get talked to you about it. There is no indication that a Lieutenant knew about DeNovio’s decision not to charge the marijuana incident. (Because the Lt. does not examine certain officers as much as others) A couple of weeks ago, Gladback worked 10 hours and was late to training. While she was at training, she received three emails and a message on the patrol application about completing a report on an “M” case from Lt. Wegner. An “M” case is a statutory rape case, because of the age differences between the victim and the offender. The victim was a willing participant. The phone was dumped and the report was due. Gladback says that during a meeting, in which Strandemo was there, (Strandemo was not there, Strandemo had no idea of the incident until I told him about it) Wagner called her out in front of Caisee Sandusky, and Officer Andrade. Andrade said she was disrespectful. She’s one of the individuals who works midnights along with Strandemo, Scott Redding, and Whitesell. (Redding and Whitsell have been retired for years, he called me out in front of Sandusky and Andrade a week or two after the fact. Andrade believed I was being disrespectful because she’s in the military and you are not allowed to talk back to a commanding officer.) Gladback thought that Jensen went to Human Resources about Lieutenant Wegner. She indicated that Sundheim asked her if she was interested in the noon to 10:00 schedule. (Sundheim did not ask me if I wanted to work the schedule. I asked him if I could work it and the reason why was because I was getting migraines from the lack of sleep almost every night. Sundheim told all the officers about the new shift and stated that he was going to put the SRO’s on it if there was not enough interest. I know that several people applied to this shift and he put all the SRO’s on it.) She does not think she is interested. (I said I was interested in the hours.) Sgt. Noyes does not follow up on stuff and has covered up for Becker. By way of example, Becker had a ride-along and engaged in a pursuit. She has pepper-sprayed some people in a bar. Gladback does not know what discipline is, (I think you mean, I did not know what her discipline was as none of us every saw her disciplined.) because Jensen and Noyes are best friends. Gladback says that Chief Klug and Lt. Wegner have separate files on people, but she doesn’t know how she knows that information. (I said there a rumors of these files) She has not seen the files.

Some of these things may seem petty and in line with leadership or discipline, but it’s about the constant harassment and the fact that very few officers have to deal with this level of scrutiny. It seems more about the fact that I un-liked by a few individuals above me and the appearance that we are not treated in an equal manner, especially when us women go to higher ups and have been told, “it’s because you’re a woman.”