

Chapter 2 - Organization and Administration

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 DIVISIONS

The Chief of Police is responsible for administering and managing the Metro Transit Police Department. There are two divisions in the Police Department as follows:

- Administration Division
- Patrol Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by a Captain or Lieutenant whose primary responsibility is to provide general management, direction and control for the Administration Division, including management of the Department budget. The Administration Division consists of Support Services and Administrative Services.

200.2.2 PATROL DIVISION

The Patrol Division is commanded by a Captain, whose primary responsibility is to provide general management, direction and control for the Patrol Division. The Patrol Division consists of Uniformed Patrol.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Deputy Chief shall act with the authority of the Chief of Police. For circumstances in which the Chief of Police and Deputy Chief are absent, the Chief of Police will designate a person to serve as the acting commander of the Police Department.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- (a) Deputy Chief
- (b) Patrol Division Captain
- (c) Administration Division Captain (or Lieutenant)
- (d) Shift Supervisor
- (e) Other designee

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200.3.2 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, any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

200.3.4 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. 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 an order that is in conflict with a previous 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 order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the 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 therefore.

Interim Directive and Special Orders

204.1 PURPOSE AND SCOPE

Interim Directives and Special Orders establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding or other collective bargaining agreement. Interim Directives will immediately modify or change and supersede sections of this manual to which they pertain.

204.1.1 INTERIM DIRECTIVES PROTOCOL

Interim Directives will be incorporated into the manual as required upon approval of staff. Interim Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Interim Directives have now been incorporated in the updated Policy Manual as of the below revision date.

Any Interim 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, 10-01 signifies the first Interim Directive for the year 2010.

204.1.2 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 command, to a unit or to an individual thereof and are temporary in nature. Special Orders become inoperative with the passing of the incident or situation that caused the order's issuance.

204.2 RESPONSIBILITIES

204.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by Interim Directive.

204.2.2 CHIEF OF POLICE

The Chief of Police or designee shall issue all Interim Directives and Special Orders.

204.3 ACCEPTANCE OF INTERIM DIRECTIVES AND SPECIAL ORDERS

All employees are required to read and obtain any necessary clarification of all Interim Directives or special orders. All employees are required to acknowledge in writing the receipt and review of any new Interim Directive or special order.

Signed acknowledgment labels and/or e-mail receipts showing an employee's acknowledgment will be maintained by the Training Coordinator.

Emergency Operations Plan

206.1 PURPOSE AND SCOPE

The Metropolitan Transit Police Department and Metropolitan Council have prepared, in compliance with the Minnesota Emergency Management Act of 1996 (Minn. Stat. § 12.09), an Emergency Operations Plan Manual. This manual is for the guidance and use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The manual provides for a strategic response to all hazards by all employees and assigns specific responsibilities in the event the plan is activated.

206.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Police Department, the Chief of Police, the highest ranking official on-duty or an on-scene responder may activate the Emergency Operations Plan in response to a major emergency.

206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Metro Transit 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.

206.3 LOCATION OF MANUALS

The manual for employees is available in Administration and the Shift Supervisor's office as well as on the intranet at the following link:

<https://metcmn.sharepoint.com/sites/metrotransit/safety/emergency%20Plans/Forms/Allitems.aspx>

206.4 PLAN REVIEW

The Administration Division Supervisor, or Emergency Manager if on staff, shall annually review the Emergency Operation Plan and recommend updates when applicable. The annual review, update, and approval of the plan and supporting documents must be in accord with the guidance provided by the Department of Public Safety, Division of Emergency Management and should incorporate a full or partial exercise, tabletop or command staff discussion (Minn. Stat. § 299J.10).

206.5 PLAN TRAINING

The Department shall provide training in the Emergency Operations Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles police personnel will play when the plan is implemented.

Training

208.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will meet the standards of POST continuing education and provide for the professional growth and continued development of its personnel. By doing so, the Department seeks to ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the public.

208.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever reasonably possible, the Department will use courses certified by the Minnesota Board of Peace Officer Standards and Training (POST) or other regulatory or nationally recognized entities.

208.3 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 POST rules and regulations concerning law enforcement training.

208.4 TRAINING PLAN

It is the responsibility of the Training Coordinator 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 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 Training Coordinator 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 State required minimum mandated training for licensing of peace officers or hiring of non-licensed employees. The plan will also include training for volunteers that is determined to be relevant and helpful to their actions as volunteers for the Department.

Training listed may be provided in basic training programs. The Training Coordinator is responsible for ensuring members of the Department have been trained as required.

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208.4.1 STATE MANDATED TRAINING

State training requirements include, but are not limited to, 48 hours of POST-approved law enforcement related courses every three years.

208.4.2 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless excused by the Training Coordinator. Excused absences from mandatory training should be limited to the following:
 - 1. Court appearances
 - 2. First choice vacation
 - 3. Sick leave
 - 4. Physical limitations preventing the employee's participation.
 - 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
 - 1. Notify the Training Coordinator as soon as possible but no later than one hour prior to the start of training.
 - 2. Make arrangements through his/her supervisor and the Training Coordinator to attend the required training on an alternate date.

208.5 TRAINING NEEDS ASSESSMENT

The Professional Standards Unit will conduct an annual training-needs assessment and complete a report of the training-needs assessment, including recommendations from the Training Committee. The training-needs assessment report will be provided to the Chief of Police. Upon review and approval by the Chief of Police, the needs assessment will form the basis for the training plan for the ensuing fiscal year.

208.6 TRAINING COMMITTEE

The Training Coordinator shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee shall be comprised of at least three members, with one member of the committee acting as the chairperson. That person will be selected by the Training Committee members. Members should be elected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Coordinator may remove or replace members of the committee at his/her discretion.

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The Training Committee should 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 should review 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.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Training Coordinator to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Coordinator. 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 Training Coordinator 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.

208.7 TRAINING RECORDS

The Training Coordinator is responsible for the creation, filing and storage of all training records in compliance with POST standards. Training records shall be retained as long as the employee's personnel file is retained.

208.8 REPORTING TRAINING TO POST

The POST Board distributes license renewals directly to licensed peace officers and requires the licensee to report completed continuing education courses from the previous license period. Officers are responsible for responding to these requests in a timely manner and otherwise maintaining their licensed status.

208.9 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Metro Transit 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 Training Coordinator.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Training Coordinator or designee. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should logoff 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.

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Employees 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. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

The Training Coordinator will be responsible for monitoring the progress of personnel to ensure compliance with this policy.

208.10 CLASSROOM DISCRIMINATION

The Training Coordinator shall ensure that procedures for the investigation and resolution of allegations of classroom discrimination are developed and implemented, and include the required elements (Minn. R. 6700.0900; Minn. R. 6700.0902).

Electronic Mail

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department / Metropolitan Council. Email 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, Metropolitan Council policy and current law (e.g., Minnesota Data Practices Act). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration or practices of the Department.

212.2 EMAIL RIGHT OF PRIVACY

All email messages, including attachments, transmitted over the Department / Metropolitan Council computer network or accessed through a web browser accessing the Department / Metropolitan Council system are considered Department / Metropolitan Council records and, therefore, are the property of the Department / Metropolitan Council. The Department / Metropolitan Council has the right to access, audit and disclose for whatever reason, all messages, including attachments, transmitted or received through its email system or placed into its storage.

Unless it is encrypted, the email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department / Metropolitan Council. Therefore, the email system is not appropriate for confidential or personal communication. If a communication must be private, an alternative method to communicate the message should be used instead of email. Employees using the Department / Metropolitan Council email system shall have no expectation of privacy concerning communications utilizing the system.

212.3 PROHIBITED USE OF EMAIL

The Department / Metropolitan Council email system shall not be used for personal purposes unless that use is authorized in writing by the Chief of Police.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email system is prohibited, will constitute just cause for discipline, and will result in discipline, up to and including termination of employment

Email messages addressed to the entire department are only to be used for official business-related items that are of particular interest to all users and must be approved by the Chief of Police or designee. Personal advertisements or announcements are not permitted.

It is a violation of this policy to transmit a message under another user's name or email address or to use the password of another to log onto the system. Users are required to log off the network or lock the workstation when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password.

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212.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the Minnesota Data Practices Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

Administrative Communications

214.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

214.2 PERSONNEL ORDERS

Personnel Orders may be issued periodically by the Chief of Police or designee, to announce and document all promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations or other changes in status. Such orders are personnel data under Minn. Stat. §13.43 and shall be treated accordingly.

214.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Chief of Police. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal use or purposes.

Internal correspondence should use appropriate memorandum forms. These may be from line employee to employee, supervisor to employee or any combination of employees.

214.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or their designee.

214.5 OTHER COMMUNICATIONS

Interim Directives, Administrative Announcements and other communications necessary to ensure the effective operation of the Department shall be promulgated by the Chief of Police or their designee.

Retiree Concealed Firearms

220.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Metro Transit Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

220.2 POLICY

It is the policy of the Metro Transit Police Department to provide identification cards to qualified former or retired full time officers as provided in this policy.

220.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any 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 an officer for an aggregate of 10 years or more or, if employed as an officer for less than 10 years, separated from service after completing any applicable probationary period of such service, 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.

220.3.1 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 Metro Transit 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.

220.3.2 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

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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.

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 Minnesota law or by a private person or entity on his/her property if such prohibition is permitted by Minnesota law.

220.4 PERSONS ELIGIBLE TO ATTEND QUALIFICATION

Retired Metro Transit Police Department officers that were employed by the Department in a full time capacity, may attend designated qualification sessions administered/sponsored by the Metro Transit Police Department Training Unit. Eligible retirees shall contact the Training Coordinator in advance to obtain qualification schedules (e.g. dates, times and locations).

220.5 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Shift 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 and Court Orders Policy.

220.5.1 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.

220.6 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

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revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

220.7 FIREARM QUALIFICATIONS

The Training Coordinator 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 Training Coordinator will maintain a record of the qualifications and weapons used.