
INVESTIGATION REPORT
MURRAY COUNTY
COMPLAINT INVESTIGATION

Issues:

**Alleged Hostile, Offensive, Threatening & Retaliatory Conduct
on the Part of Murray County Sheriff Steve Telkamp**

A. PROCEDURAL BACKGROUND

This report documents an external and independent complaint investigation initiated by and conducted on behalf of Murray County ("County"). The subject of the investigation is Murray County Sheriff Steven Telkamp ("Sheriff Telkamp").

1. Sheriff Telkamp is an elected official who has held the Office of Sheriff since January 2003. As an elected official, Sheriff Telkamp is accountable to the public who elected him. Sheriff's Office staff who report to Sheriff Telkamp are County employees. Thus, the County Board has the responsibility and authority, as prescribed by County policy, to take prompt and appropriate action to address reported workplace hostility and harassment. See Exhibit 2B: Murray County Policy No. 202 – Offensive Conduct, Harassment and Violence and Exhibit 2C: Murray County Policy No. 304 - Employee Conduct and Work Rules. See also FN 1-2.
2. In February 2018, the County Coordinator and County Board members received from an aggrieved person, video recordings with audio showing Sheriff Telkamp engaged in loud, disparaging and threatening verbal rants in the Sheriff's Office during the workday, and in the presence of Sheriff's Office staff and outside law enforcement personnel. During the rants, Sheriff Telkamp made disparaging and threatening remarks about County Commissioners and the Coordinator. The conduct was perceived by observers as hostile and offensive. Due to Sheriff Telkamp's position of power and fear of retaliation, observers, whose body language shows their obvious discomfort, did not challenge the Sheriff's behavior and embodied a captive audience.
3. In December 2017, pursuant to County Policy 202 (Offensive Conduct, Harassment & Violence), which applies to all County employees and elected officials¹ and advises

¹ County Policy 202 – Offensive Conduct, Harassment & Violence provides in relevant part: "Those covered under this policy include all Murray County's employees, commissioners, elected officials, agents, visitors, contractors, clients, and vendors. The policy is in effect anytime employees are on Murray County business including outside of the office, for example – travel, meetings, and other events. It may also include social gatherings if the behavior directed from one employee to another is egregious enough to negatively impact the work environment." See Exhibit 2B: Murray County Policy No. 202 – Offensive Conduct, Harassment and Violence.

employees to promptly report all incidents of workplace harassment and hostility², the video recordings were submitted to the County Coordinator. In consultation with the County Attorney and the County's Labor Attorney, as required by County Policy No. 202, the County Board authorized the investigation documented herein.³ Beyond receipt of the recordings, the County Coordinator did not have any further role or input relative to the investigation conducted by undersigned Investigator Michelle Soldo of Soldo Consulting, P.C. Investigator Soldo does not have prior personal or professional association with Sheriff Telkamp, the County Coordinator, the County Board as a government body, or any individual Board member, the County Attorney or County's Labor Attorney.

4. Sheriff Telkamp was notified of the investigation and did not respond to multiple attempts by Investigator Soldo to schedule his investigatory interview. Those efforts are documented in Section B of this report. See Report: Section C - Investigation Record at para. 5. On March 24, 2018, the investigation record was closed.

B. FINDINGS

For the reasons discussed further herein, the record establishes the following:

1. Finding 1: In November 2017, in the presence of others, Sheriff Telkamp engaged in objectively inappropriate, aggressive, disparaging, profane, abusive, sexually charged and threatening behavior perceived and reported by observers as hostile, offensive and retaliatory.

Sheriff Telkamp's behavior was captured on video. Video recordings show that in the presence of female and male County employees and outside law enforcement personnel:

- a. Sheriff Telkamp made disparaging, contemptuous and threatening remarks about the County Board and County Commissioners.
- b. Sheriff Telkamp verbally berated and threatened the job of a female Sheriff's Office Dispatcher who was also present for his tirade and is related to a County Commissioner

² County Policy 202 – Offensive Conduct, Harassment & Violence provides in relevant part: "If the offended employee's concerns are not resolved satisfactorily by communicating with the offender, or if the offended person feels they cannot discuss the concerns with the offender, the offended employee should inform their supervisor/department head, the County Coordinator, or any member of management. The offended employee is encouraged to document the incident(s) as soon as it occurs in as much detail as possible, including: the nature of the incident(s); dates, times, and places it has occurred; name of the offender; witnesses; their response to the incident(s); the effect/impact of the behavior on them. The offended person who contacts management with a complaint is encouraged to submit this documentation; however, complaints may be filed verbally. Alternate methods of filing complaints (such as tape recorders, scribes, etc.) shall be made available to individuals with disabilities who need accommodation. Interpreters shall be made available for those with limited competence of the English language. The complainant of offensive conduct and harassment shall be afforded avenues for filing complaints that are free from bias, collusion, intimidation, or reprisal. The offended employee is encouraged to report the behavior as soon as possible after the incident in order to be effectively investigated and resolved." See Id.

³ County Policy No. 202 – Offensive Conduct, Harassment & Violence provides in relevant part: "Murray County will promptly and thoroughly investigate complaints of harassment or other violations of this policy to determine whether improper conduct has occurred." See Id.

he referred to (during the same discussion) as “fucking retarded” and “a failed fuck.” Sheriff Telkamp’s hostility and threats directed at a County employee due to their association with a County Board member, was perceived as and is objectively retaliatory behavior prohibited by County policy.

- c. Sheriff Telkamp made disparaging personal, professional and gender-based remarks about the female County Coordinator.
2. Finding 2: Sheriff Telkamp’s behavior conduct constitutes prohibited offensive conduct and harassment as defined by County Policy No. 202 (Offensive Conduct, Harassment and Violence) and Policy No. 304 (Employee Conduct and Work Rules). Both policies expressly apply to elected officials.
3. Finding 3: Sheriff Telkamp’s behavior constitutes “unprofessional conduct” as defined by Minn. Stat. § 626.8457 and the POST Board Professional Conduct of Peace Officers Model Policy.
4. Finding 4: Any claim this investigation was conducted in retaliation for claims Sheriff Telkamp made is not substantiated and is refuted by the record.

See Report: Section D – Discussion of Findings and Factual Basis for Findings.

C. INVESTIGATION RECORD

1. The investigation record includes four video (with audio) recordings of Sheriff Telkamp’s behavior in November 2017, which took place during the workday and in the workplace and presence of Sheriff’s Office staff and outside law enforcement personnel. Also attached is a transcript of the audio portion of the recordings. See Exhibit 1A: Video Recordings of Respondent Sheriff Steve Telkamp’s Behavior and Exhibit 1B: Transcript of Video Recordings of Respondent Sheriff Steve Telkamp’s Behavior.
2. The investigation record includes information provided by County employees and outside law enforcement personnel who have been targets of Sheriff Telkamp’s behavior, a pattern of conduct perceived and characterized as aggressive, condescending and threatening. Due to the belief and fear witnesses sincerely and credibly⁴ expressed about Sheriff Telkamp’s potential for aggressively confronting, threatening and otherwise retaliating against them, witness names and accounts are not discussed herein. Witness accounts are not determinative as to the primary issue - Sheriff Telkamp’s behavior and remarks captured by video - which is direct and compelling evidence of his behavior. However, witness accounts are relevant because witnesses independently and credibly reported, and offered examples to support their contention, that recording of Sheriff Telkamp’s behavior does not depict an

⁴ Witnesses credibly reported that Sheriff Telkamp’s clear contempt for and threats to use his power as the County’s Chief Law Enforcement Officer (“CLEO”) to retaliate against Commissioners and the County Coordinator (write tickets, throw on the ground and arrest, and expose alleged known illegal activity), who possess more actual authority and perceived protections in their respective roles, indicates that Sheriff Telkamp will retaliate against them unless the County Board takes affirmative and effective action to protect them for making a valid and protected complaint.

isolated event, but reflects a continuing pattern of aggressive, defiant, disrespectful, abusive and threatening behavior that adversely impacts the work environment.

3. The investigation record includes the following County records:
 - a. The investigation record includes the County's Organizational Chart showing that Sheriff Telkamp reports directly to the citizens of Murray County. In contrast, Sheriff's Office employees, while they report to Sheriff Telkamp, they are County employees not *his* employees. Thus, the terms and conditions of Sheriff's Office employment are governed and protected by County policies, which are enforced by County Administration and the County Board. See Exhibit 2A: Murray County Organizational Chart.
 - a. The investigation record includes County Policy No. 202 (Offensive Conduct, Harassment and Violence). The Policy prohibits "any form of workplace harassment against any employee" by any "Murray County employees, commissioners, elected officials" and others. See Exhibit 2B: Murray County Policy No. 202 – Offensive Conduct, Harassment and Violence.
 - b. The investigation record includes County Policy No 304 (Employee Conduct and Work Rules). The policy identifies "examples of infractions of rules of conduct" that might result in corrective action. See Exhibit 2C: Murray County Policy No. 304 - Employee Conduct and Work Rules.
 - c. The investigation record includes County records documenting Sheriff Telkamp's participation in a mandatory all-staff training session conducted on November 26, 2016 during which County policies were reviewed. See Exhibit 2D: County All-Staff Training 11.26.16 Sign-in Sheet and Training Handout.
 - d. The investigation record includes a copy of Minnesota Statutes, section 628.8457, which requires the Board of Peace Officer Standards and Training ("POST Board") to develop and distribute to all chief law enforcement officers ("CLEOs") a model policy regarding the professional conduct of peace officers. By July 1, 1996, all CLEOs established and implemented a written policy identical or similar to the model policy, which defines unprofessional conduct and governs the investigation and disposition of cases involving alleged unprofessional conduct by peace officers. See Exhibit 3A: Minn. Stat. § 626.8457 - Professional Conduct of Peace Officers.
4. The investigation record includes a copy of the Minnesota POST Board Professional Conduct of Peace Officers Model Policy. The relevant text from that policy is provided herein. See Report: Section E – Discussion of Findings & Factual Basis for Findings at para. 3 (discussion of Finding 3); Exhibit 3B: Minn. Admin. Rule 6700.1600 – Violation of Standards of Conduct and Exhibit 3C: POST Board Professional Conduct of Peace Officers Model Policy.

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5. The investigation record does not include Sheriff Telkamp's response to the video recordings or witness reports. Sheriff Telkamp declined Investigator Soldo's multiple requests that he participate in the investigation, which afforded him a due process opportunity to respond. See Exhibit 4: Investigator Michelle Soldo's Communications with Respondent Sheriff Steve Telkamp Regarding Investigation. Accordingly, the investigation findings are based on the available record, including reliable video evidence providing direct and credible proof of Sheriff Telkamp's conduct.

The following events reflect the due process opportunity afforded Sheriff Telkamp to review and respond to the video evidence:

- a. On March 27 and March 28, 2018, Investigator Soldo sent Sheriff Telkamp communications, by email and registered mail, notifying him of the investigation and his interview to be conducted at 3:00 p.m. on Friday, March 29, 2018.
- A March 27, 2018 email sent to Sheriff Telkamp at 4:14 p.m. and again at 8:06 a.m. on March 28, 2018 (due to a transmission error) reads:

“Dear Sheriff Telkamp: Attached please find a letter from me notifying you that you are the subject of an investigation and your *Garrity*-compelled interview will be conducted at 3:00 p.m. on Thursday, March 29, 2018. The letter includes confidentiality and non-retaliation instructions that are effective immediately. Also attached is a combined *Garrity* and Tennesen Advisory. Your investigatory interview will be conducted and recorded pursuant to the requirements of the Minnesota Peace Officer Discipline Procedures Act, Minn. Stat. 626.89. You may have representation present in person or by phone. Please be advised that your refusal to cooperate will contravene *Garrity* cooperation requirements and will result in findings based on available evidence, without the benefit of your input. Thank you and I look forward to meeting with you at 3:00 p.m. on Thursday, March 29. Best regards, Michelle.”

See Exhibit 4: Investigator Michelle Soldo's Communications with Respondent Sheriff Steve Telkamp Regarding Investigation

- A letter attached to Investigator Soldo's March 28 email and sent via registered mail to Sheriff Telkamp with the subject line “Re: Murray County External Investigation – Alleged Violation(s) of County Policy” reads:

“Sheriff Telkamp: Please be advised that Murray County has initiated an independent fact-finding investigation and I have been retained to conduct the investigation. You have been identified as the subject of the investigation. Pursuant to the requirements of the Peace Officer Discipline Procedures Act, Minn. Stat. § 626.89, this letter notifies you of the following allegation(s) under investigation:

Allegation(s): You engaged in conduct violating County and Sheriff's Office policy, including but not limited to Policy Number 202: Offensive Conduct, Harassment and Violence and the Sheriff's Office Code of Conduct.

Notice of Taking of Formal Statement: Attached please find a *Garrity* Advisory applicable to your investigatory interview to be conducted at 3:00 p.m. on Thursday, March 29, 2018. The interview will be conducted at the Slayton Public Library. You may have an attorney present in person or by phone. Please be advised that your refusal to cooperate will contravene *Garrity* cooperation requirements and will result in findings based on available evidence, without the benefit of your input.

Confidentiality Instruction: You are hereby instructed not to discuss the investigation with anyone other than me and your designated representative.

Non-Retaliation Instruction: You must not engage in any behavior that could be construed as retaliation against anyone you believe may be involved in this investigation. Discussion of the investigation with potential witnesses and others in contravention of the above-cited confidentiality instruction could be deemed prohibited retaliation."

See Id.

- b. On March 28 and March 29, 2018, Investigator Soldo left multiple voicemail messages for Sheriff Telkamp on his office voicemail and sent him multiple emails via his Sheriff's Office email address. These communications conveyed Investigator Soldo's request for Sheriff Telkamp's participation in an investigatory interview at 3:00 p.m. on March 29 in a meeting room at the Slayton Public Library.
- c. On March 29, 2018, Investigator Soldo waited at the meeting location until 4:00 p.m., one hour beyond the scheduled start time of the interview. At 4:02 p.m., Investigator Soldo sent the following and final email communication to Sheriff Telkamp:

"Sheriff Telkamp: It is now 4:00 PM and 1 hour beyond the start time of our 3 PM meeting today. I accept your no-show and your failure to respond to my many voicemail and email messages as your refusal to cooperate in the investigation. The confidentiality and non-retaliation instructions you received are in effect until further notice. Thank you, Michelle."

See Id.

- d. On March 29, 2018, Investigator Soldo was informed that Sheriff Telkamp was in the office that day and a key Sheriff's Office employee contacted and asked other County employees if Investigator Soldo contacted them. Unlike Sheriff Telkamp, that employee did not receive a confidentiality instruction. The employee's improper interference in

the investigation, which caused apprehension amongst potential witnesses, reasonably indicates that, beyond Investigator Soldo's many telephone and written communications, Sheriff Telkamp had knowledge of the investigation.

- e. As of the date of this report, Sheriff Telkamp did not contact Investigator Soldo.

D. DISCUSSION OF FINDINGS & FACTUAL BASIS FOR FINDINGS

1. Finding 1: In November 2017, in the presence of others, Sheriff Telkamp engaged in objectively inappropriate, aggressive, disparaging, profane, abusive and sexually charged behavior perceived and reported by observers as a continuing pattern of hostile and threatening behavior. Sheriff Telkamp's behavior was captured on video which shows the following:
 - a. The video recordings show that, in the presence of female and male County employees and outside law enforcement personnel, Sheriff Telkamp made disparaging, contemptuous and threatening remarks about the County Board and County Commissioners and threatened to use his power as the County's Chief Law Enforcement Officer (CLEO) (limited authority granted to him by the community⁵) to retaliate.
 - Sheriff Telkamp discussed his intent to undermine County Board decisions regarding the terms and conditions of Sheriff's Office employees by: 1) urging an employee to file a grievance, then granting the grievance; 2) supporting Sheriff's Office employees who sue the County Board and individual Commissioners to receive monetary compensation; and 3) calling the Department of Labor.
 - Sheriff Telkamp verbally disparaged County Commissioners, using profanity and sexually charged and threatening language to express his contempt. He also accused County Commissioners of engaging in illegal activity, information he threatened to use against them.
 - Sheriff Telkamp referred to the County Board as a "pussy Board" for supporting the County Coordinator and said Commissioners "don't have a spine to stand up" to her.
 - Sheriff Telkamp referred to County Board members as "fucking retarded."
 - Sheriff Telkamp said, "Every one of them Commissions is a failed fuck...(and) they can't fucking do anything in life."

⁵ As discussed further below, the Minnesota POST Board Professional Conduct of Peace Officers Model Policy provides in relevant part: "Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them." See Exhibit 3C: POST Board Professional Conduct of Peace Officers Model Policy. (emphasis added)

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- Continuing to disparage Commissioners, Sheriff Telkamp asserted he knows “everything about every one of them committing fraud, from fires to accidents...maybe all of this shit will have to come back up.”

See Exhibit 1B: Transcript of Video Recordings of Respondent Sheriff Steve Telkamp’s Behavior at pp.1-3.

- Sheriff Telkamp mocked a memorandum issued by two County Commissioners regarding County wide time reporting requirements, which he directs Sheriff’s Office staff not to follow. While reading the memorandum aloud (from his cell phone) to four County employees and an outside law enforcement staff member, Sheriff Telkamp paused intermittently to yell, “Do they want my fucking boot up their ass?!”...“Fuck you! It’s not my policy!”...“Fuck your policy!...This is my house!” and, “Fuck you! Fuck you!” See Id at p.2. See also Exhibit 5: County Board Memorandum Regarding Timekeeping Practices.
- b. Video recordings show that in the presence of female and male County employees and outside law enforcement personnel, Sheriff Telkamp verbally berated and threatened the job of a female Sheriff’s Office Dispatcher who was also present for his tirade and is related to a County Commissioner he referred to (during the same discussion) as “fucking retarded” and “a failed fuck.” Sheriff Telkamp’s hostility and threats directed at the female County employee due to their association with a County Board member, was perceived as and is objectively retaliatory behavior prohibited by County policy.
- Sheriff Telkamp pointed at the Dispatcher and yelled, “Those fucking Commissioners want to be involved? Guess what!? They better be following the fucking law because I will, I will...not give a fuck... I just want to say one more thing...everybody here is at will! I don’t care! Everybody here is at will!”
 - Sheriff Telkamp then told another Sheriff’s Office employee, who he claimed would sue the County for monetary damages, “Stick around [employee name], there might be a spot open in Dispatch.”
 - The target of Sheriff Telkamp’s behavior perceived his behavior as a continuing pattern of objectively hostile, offensive and retaliatory conduct prohibited by County Policy.

See Id at pp.4,6.

- c. Video recording show that in the presence of female and male County employees and outside law enforcement personnel, Sheriff Telkamp made disparaging personal, professional and gender-based remarks about the female County Coordinator.
- Sheriff Telkamp mocked the County Coordinator. Speaking in a falsetto, whiny and mocking voice, Sheriff Telkamp asserted he heard the County Coordinator pushed another employee out of the County due to rumored disagreements between her and a high school classmate.

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- Sheriff Telkamp asserted the County Coordinator is “lying” and said she is a “fucking lying bitch.”
 - Sheriff Telkamp asserted the County Coordinator “fabricated employee time” after he approved it.
 - Sheriff Telkamp referred to the County Coordinator as a “bitch,” “fucking lying bitch,” “twat” and “dumb twat.”
 - Sheriff Telkamp repeatedly said the County Coordinator is “an evil person.”
 - Sheriff Telkamp asserted that the County *Coordinator* is pulling “illegal shit.” Sheriff Telkamp then acknowledged he *cannot prove* his assertion by stating, “If I could prove it, I would walk over there and throw that fucking bitch on the ground and arrest her.”
 - Sheriff Telkamp said he has a “plan” to oust the County Coordinator. Sheriff Telkamp identified two individuals intending to run for County Commissioner and, once they are elected, he has two of the three votes required to terminate the County Coordinator. Sheriff Telkamp then said, “(female County Coordinator) [name], you are only one Commissioner away from losing your job.” When a County employee present said he planned to run for County Commissioner, Sheriff Telkamp said, “Perfect, and guess what? I will support that, and you will be her boss and she is at-will. She serves at the pleasure of the Board, so that gives me three,” referring to three Commissioner votes.
 - Two of three men present during Sheriff Telkamp’s disparaging rant about the County Coordinator joined in and made disparaging and sexually disparaging remarks, invoking laughter from Sheriff Telkamp. In regard to the County Coordinator, one male said, “You say she serves at the pleasure of the Board? How far do you take that?”⁶ Another male said, “I think she takes that pretty far.” Sheriff Telkamp laughed loudly in response to the remarks.

See Id at pp.1-5.

- d. Video recordings show that Sheriff Telkamp threatened to use his power as the County’s Chief Law Enforcement Officer (“CLEO”) to retaliate⁷ against Commissioners and the County Coordinator. As discussed above:

⁶ The individual who made this isolated and clearly derogatory remark, indicated they sincerely regret taking part (passive and active) in Sheriff Telkamp’s rant and, through Investigator Soldo, extended a sincere apology to the County Coordinator for their behavior.

⁷ Video reflects that Sheriff Telkamp threatened to write tickets, throw the County Coordinator on the ground and arrest her, expose alleged known illegal activity, put his “fucking boot up their ass”, and said, “This boy aint gonna be nice, and I don’t give a fuck who it is gonna have to affect anymore!” See Exhibit 1B: Transcript of Video Recordings of Respondent Sheriff Steve Telkamp’s Behavior.

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- Sheriff Telkamp threatened to undermine the County Board and support employee lawsuits against the County.
 - Sheriff Telkamp threatened to throw the County Coordinator (who he referred to as “the fucking bitch”) on the ground and arrest her.
 - Sheriff Telkamp threatened to expose alleged known illegal activity.
 - Sheriff Telkamp threatened to put his “fucking boot up their ass.”
 - Sheriff Telkamp threatened he won’t be nice anymore and he doesn’t care who it affects.

See Exhibit 1B: Transcript of Video Recordings of Respondent Sheriff Steve Telkamp’s Behavior.

- e. Witnesses credibly reported that Sheriff Telkamp’s behavior, as reflected in the videos are not isolated outbursts, but rather a continuing pattern of hostile, aggressive and threatening behavior. Witnesses described specific and objectively hostile and offensive behavior on the part of Sheriff Telkamp to which they and others have been subjected. Witnesses reported they are fearful of retaliation. For that reason, witness names and the specific incidents of continuing aggression, hostility and threatening behavior they described are not specifically identified herein. Witnesses made the compelling argument that Sheriff Telkamp’s clear contempt for and threats to use his power as the County’s Chief Law Enforcement Officer (“CLEO”) to retaliate against Commissioners and the County Coordinator (who possess more actual authority and perceived protections in their respective roles), indicates that Sheriff Telkamp will retaliate against them unless the County Board takes affirmative and effective action to protect them for making a valid and protected complaint.
2. Finding 2: Sheriff Telkamp’s conduct constitutes prohibited offensive conduct and harassment as defined by County Policy No. 202 (Offensive Conduct, Harassment and Violence) and Policy No. 304 (Employee Conduct and Work Rules). Both policies expressly apply to elected officials.

Factual Basis for Finding 2:

- a. The record conclusively establishes that in November 2017, in the presence of others, Sheriff Telkamp engaged in objectively inappropriate, aggressive, disparaging, profane, abusive and sexually charged behavior perceived and reported by observers as a continuing pattern of hostile and threatening behavior.

Sheriff Telkamp’s behavior was captured on video which shows that in the presence of female and male County employees and outside law enforcement personnel:

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- Sheriff Telkamp made disparaging, contemptuous and threatening remarks about the County Board and County Commissioners and threatened to use his power as the County's Chief Law Enforcement Officer (CLEO) (limited authority granted to him by the community⁸) to retaliate against County Commissioners and the County Coordinator.
 - Sheriff Telkamp verbally berated and threatened the job of a female Sheriff's Office Dispatcher who was also present for his tirade and is related to a County Commissioner he referred to (during the same discussion) as "fucking retarded" and "a failed fuck."
 - Sheriff Telkamp made disparaging personal, professional and gender-based remarks about the female County Coordinator.

See Report: Section D - Discussion of Findings & Factual Basis for Findings at para. (1) (discussing Finding 1).

- b. Murray County Policy No 202 (Offensive Conduct, Harassment and Violence) applies to all County employees and elected officials. The policy prohibits harassment, including degrading and inappropriate remarks and conduct. The policy provides in relevant part:
- "Murray County is committed to ensuring an environment where employees can work, learn, and develop to their full potential. Harassment, as well as offensive, degrading and inappropriate remarks and conduct, are not permissible and have no place in our work environment."
 - "This policy is designed to further Murray County's goal of a healthy, respectful and discriminatory free environment that promotes dignity and equality and to comply with federal and state laws. It is each employee's responsibility to maintain a workplace free of any form of harassment and discrimination."
 - "It is also the policy of Murray County to prohibit any form of workplace harassment against any employee or any applicant for employment because of [protected class factors], including **gender**...Murray County will not tolerate workplace harassment, whether committed by an employee, supervisor/manager, vendor, contractor, or client against anyone including managers, supervisors, and co-workers."
 - "Those covered under this policy include all Murray County's employees, commissioners...[and] **elected officials**...The policy is in effect anytime employees are on Murray County business...It may also include social gatherings if the behavior

⁸ As discussed further below, the Minnesota POST Board Professional Conduct of Peace Officers Model Policy provides in relevant part: "Peace officers conduct their duties pursuant to a grant of limited authority from the **community**. Therefore, officers must understand the laws defining the scope of their enforcement powers. **Peace officers may only act in accordance with the powers granted to them.**" See Exhibit 3C: POST Board Professional Conduct of Peace Officers Model Policy. (emphasis added)

directed from one employee to another is egregious enough to negatively impact the work environment.”

- “Harassment may consist of, but is not limited to: [a] Verbal harassment (e.g. epithets, derogatory statements, slurs, and offensive comments or jokes based on an individual’s protected class); [b] Physical harassment (e.g. unnecessary or offensive touching), and [c] Visual harassment (e.g. offensive posters, cartoons, drawings, gestures, screensavers, clothing) that demeans or intimidates an employee or group of employees because of their protected class.”
- “Sexual harassment includes, but is not limited to...conduct...which has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment.”
- “Conduct that Murray County considers unacceptable and often a part of harassment includes, but is not limited to...Unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading...that is based on gender stereotypes...Any unwelcome behavior that is offensive, degrading, intimidating, demeaning, and that is based on stereotypes and attitudes of that protected class, including gender.”
- “The fact that someone did not intend to harass or offend an individual is no defense to a complaint of harassment. Regardless of intent, it is the effect and characteristics of the behavior that determine whether the behavior constitutes harassment.”
- “Unacceptable/offensive/degrading conduct may or may not constitute harassment. Usually harassing behaviors must be severe and/or pervasive to a reasonable person to be considered harassment. However, unacceptable/offensive behavior does not have to rise to the level of harassment before disciplinary action occurs up to and including termination.”
- “Every Murray County employee is to refrain from participation in, or encouragement of, action that could be perceived as harassment or offensive conduct...”

See Exhibit 2B: Murray County Policy No. 202 – Offensive Conduct, Harassment and Violence.

- c. Murray County Policy No. 304 (Employee Conduct & Work Rules) applies to all County employees and elected officials. The policy provides in relevant part:
- “Murray County affirms its right and responsibility to develop and administer the regulations, disciplinary measures and general work rules necessary to ensure efficient operation of services, fair treatment and safe working conditions. The County retains all rights and privileges not specifically addressed in these regulations.

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- The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment. This list is not all-inclusive and nothing in this policy prohibits the County from modifying or interpreting the list from time to time in the best interest of the County and its employees:
 - Boisterous or disruptive activity in the workplace.
 - Conduct that violates County or department personnel policies, rules or regulations.
 - Engaging in harassing, discriminatory, retaliatory or threatening conduct.
 - The use or threatened use of political influence to exert pressure on any County employee for favors or to conduct actions contrary to these Regulations.
 - The above-referenced list is not intended to be an all-inclusive listing of improper conduct for which an employee may be subject to discipline. Misconduct not addressed by this policy will be treated as a violation of a general rule requiring the maintenance of good order and the standards of conduct and/or performance that the County has a right to require of its employees.”

See Exhibit 2C: Murray County Policy No. 304 – Employee Conduct and Work Rules.
(original outline formatting altered)

3. Finding 3: Sheriff Telkamp’s conduct constitutes “unprofessional conduct” as defined by Minnesota Statutes § 626.8457 (Professional Conduct of Peace Officers), Administrative Rule 6700.1600 (Violation of Standards of Conduct) and the POST Board Model Policy.

Factual Basis for Finding 3:

- a. The record conclusively establishes that in November 2017, in the presence of others, Sheriff Telkamp engaged in objectively inappropriate, aggressive, disparaging, profane, abusive and sexually charged behavior perceived and reported by observers as hostile and threatening behavior. Sheriff Telkamp’s behavior was captured on video, which shows the following:
 - In the presence of female and male County employees and outside law enforcement personnel, Sheriff Telkamp made disparaging, contemptuous and threatening remarks about the County Board and County Commissioners and verbally threatened an observing County employee who is related to a County Commissioner.

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- In the presence of female and male County employees and outside law enforcement personnel, Sheriff Telkamp made disparaging personal, professional and gender-based remarks about the female County Coordinator.

See Report: Section D - Discussion of Findings & Factual Basis for Findings at para. (1) (discussing Finding 1).

- b. Minnesota Statutes § 626.8457 provides that the POST Board shall develop and distribute a model policy regarding the professional conduct of peace officers to all CLEOs. By July 1, 1996, all CLEOs established and implemented a written policy identical or similar to the model policy, which defines unprofessional conduct and governs the investigation and disposition of cases involving alleged unprofessional conduct by peace officers. See Exhibit 3A: Minn. Stat. § 626.8457 - Professional Conduct of Peace Officers.
- c. Minnesota Administrative Rule 6700.1600 provides that violation of the standards of conduct by a licensee constitutes grounds for disciplinary action. Prohibited conduct includes “engaging in conduct prohibited by, or listed as, grounds for disciplinary action in this chapter...or sections 626.84 to 626.90 (including 626.8457), or engaging in conduct which violates any statute enforced by the board.” See Exhibit 3B: Minn. Admin. Rule 6700.1600 - Violation of Standards of Conduct.

- d. The Minnesota POST Board Professional Conduct of Peace Officers Model Policy provides in relevant part:

- “This policy applies to all officers of this agency engaged in official duties whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted this policy also applies to off duty conduct. Conduct not mentioned under a specific rule but that violates a general principle is prohibited.
- **PRINCIPLE ONE.** Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Rationale: Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. **Peace officers may only act in accordance with the powers granted to them.**

- **PRINCIPLE TWO.** Peace officers shall refrain from any conduct in an official capacity that detracts from the public’s faith in the integrity of the criminal justice system.

Rationale: Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public’s initial contact with the criminal justice system, must act in a manner that instills such trust.

Rules...Peace officers shall carry out their duties with integrity, fairness and impartiality...Peace officers **shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation**...Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

- PRINCIPLE THREE. Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

Rationale: Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must **refrain from fostering disharmony** in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.”

- PRINCIPLE FOUR. Peace officers **shall not, whether on or off duty, exhibit any conduct which discredits themselves or their agency** or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community.

Rationale: A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. **Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.**

- PRINCIPLE FIVE. Peace officers **shall treat all members of the public courteously and with respect.**

Rationale: Peace officers are the most visible form of local government. Therefore, peace officers **must make a positive impression when interacting with the public and each other.**

Rules...Peace officers shall **exercise reasonable courtesy in their dealings** with the public, other officers, superiors and subordinates...**No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person** to do anything reasonably calculated to incite a person to violence...

- PRINCIPLE SEVEN. Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

Rationale: For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions where those actions would or could conflict with the officer's appropriate responsibilities.

- PRINCIPLE EIGHT. Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

Rationale: Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's and agency's commitment to preserving such confidences.

Rules...Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information...**Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants...**"

See Exhibit 3C: POST Board Professional Conduct of Peace Officers Model Policy.
(original outline formatting altered and emphasis added)

- E. Finding 4: Any claim this investigation was conducted in retaliation for claims Sheriff Telkamp made is not substantiated and is refuted by the record.

Factual Basis for Finding 4:

- a. During this investigation, Investigator Soldo learned from a *Marshall Independent* newspaper article that on January 16, 2018, weeks after he engaged in the conduct captured by video and close in time to the complaint leading to this investigation, Sheriff Telkamp alleged that the County Coordinator and County Board members are conspiring to retaliate against Sheriff's Office employees thorough personnel actions (adverse employment action), including termination. See <https://blog.employerscouncil.org/2017/02/13/arizona-paid-sick-leave-the-presumption-of-retaliation/>.
- b. It is possible that Sheriff Telkamp, who declined a due process opportunity to participate in this investigation, will claim after-the-fact, that the investigation is also retaliatory. That potential claim was considered by investigator Soldo. The claim is not substantiated and is conclusively refuted by the record.
- c. Adverse employment action occurring close in time to a complaint may create a presumption of retaliation. The presumption can be overcome by clear and convincing evidence that the adverse action was based on a valid reason. As discussed further above, there is clear and convincing evidence conclusively establishing that this investigation was properly authorized, pursuant to County policy, in response to a report

made in December 2017 by an aggrieved person alleging workplace, hostility, harassment retaliation on the part of Sheriff Telkamp.

- d. Refuting any after-the-fact claim the investigation discussed herein is retaliatory, the record establishes:
- The complainant(s) (aggrieved employee(s)), had no involvement in or association with County Board and/or other personnel discussions/actions Sheriff Telkamp's claims is retaliatory.
 - The complaint is not based on speculation or conjecture, it is based on Sheriff Telkamp's actual behavior in November 2017, as reflected in multiple video recordings cited and discussed herein.
 - As Finding 1 discussed in Section D of this report indicates: "The video recording shows that in the presence of male and female County employees and outside law enforcement personnel, Sheriff Telkamp verbally berated and threatened a female Sheriff's Office Dispatcher who was also present for his trade. Sheriff Telkamp engaged in that behavior well before he claimed retaliation on the part of others.
 - The County Board had an absolute obligation pursuant to County policy to investigate alleged workplace hostility and harassment. The fact that Sheriff Telkamp made a subsequent and intervening complaint does not change the County Board's obligation to take action.
 - The action taken by the County Board was to hire the undersigned Investigator with no prior association with any of the parties involved, to conduct the independent review discussed herein. The County Board and County Administrator had no role or influence in the outcome of the investigation. The County Board's challenge moving forward will be to protect all complainants from retaliation on the part of Sheriff Telkamp for their protected reports of substantiated work place hostility and harassment.

F. EXHIBITS

1. Exhibit 1: Complaint Record
 - a. Exhibit 1A: Video Recordings of Respondent Sheriff Steve Telkamp's Behavior
 - b. Exhibit 1B: Transcript of Video Recordings of Respondent Sheriff Steve Telkamp's Behavior
2. Exhibit 2: County Records and Policies
 - a. Exhibit 2A: Murray County Organizational Chart

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- b. Exhibit 2B: Murray County Policy No. 202 – Offensive Conduct, Harassment and Violence
 - c. Exhibit 2C: Murray County Policy No. 304 - Employee Conduct and Work Rules
 - d. Exhibit 2D: County All-Staff Training 11.26.16 Sign-in Sheet and Training Handout
 3. Exhibit 3: Minnesota State Statutes, Minnesota Rules and Minnesota POST Board Policies
 - a. Exhibit 3A: Minn. Stat. § 626.8457 - Professional Conduct of Peace Officers
 - b. Exhibit 3B: Minn. Admin. Rule 6700.1600 - Violation of Standards of Conduct
 - c. Exhibit 3C: POST Board Professional Conduct of Peace Officers Model Policy
 4. Exhibit 4: Investigator Michelle Soldo's Communications with Respondent Sheriff Steve Telkamp Regarding Investigation
 5. Exhibit 5: County Board Memorandum Discussing County Timekeeping Practices.

Document drafted by:

04.27.18

Michelle M. Soldo

Date

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EXHIBIT 1

EXHIBIT 1A
Video Recordings (Digital Files)

EXHIBIT 1B

Murray County Complaint Investigation

Alleged Misconduct on the Part of Sheriff Steve Telkamp

Transcript of Video Recordings Evidencing the Conduct of Sheriff Telkamp in November 2017

A. VIDEO 1

1. Sheriff Telkamp: “The Association attorney (referring to Rick Hodgson), and he was almost screaming at me. He said, ‘Stop being nice Steve. Stop being nice.’ He started screaming: ‘STOP BEING NICE!’ He started screaming. He goes, ‘Steve! You’re the fucking Sheriff!’ Rick Hodgson, Sheriff’s Association Attorney...he said, ‘You’re the fucking Sheriff! He goes, ‘There is not a goddamn thing they can do!’ And he said, ‘They have pens we have guns. ___!’ He’s like screaming at me. So guess what? This boy aint gonna be nice, and I don’t give a fuck who it is gonna have to affect anymore. I’m tired of it. I’m not over budget. The public likes what we are doing.”
2. Witness discussion about other matters.
3. Sheriff Telkamp: “No, the County Coordinator. So, it is whatever the **pussy board** lets her do they did. Cause **they don’t have a spine to stand up** to anybody or anything, so they hire her...and give her what she feels is total reign. Go head, but research it. Research it. Name, you’re not gonna do that to [name], you’re not gonna do that to [name], you’re not gonna do that to [name]. And guess who else?...me.”
4. Witness unrelated discussion.
5. Sheriff Telkamp: “I have no problem writing tickets. I’m just tired of it, and those two (referring to commissioners) are jumping on her bandwagon after I called them and talked to them, and told them about the **illegal shit she’s pulling** and that they aren’t involved. Now they are. I just hope they try, because Kevin McGrath (LELS Business Agent) said, ‘They already lost one lawsuit, \$710,000.’ Yep, [Sheriff’s Office employee name] will be the first payee. He goes, ‘Steve it is simple.’ He goes, ‘Let [Sheriff’s Office employee name] file a grievance, you grant it, he stays on. If they continue, now it is unlawful termination...’
6. Witness: “Yeah but that agreement, don’t it make it sticky?”
7. Sheriff Telkamp: “No, cause I did not approve that.”
8. Witness: “Neither did the union, and they can’t make side agreements with the employees.”

9. Sheriff Telkamp: "I am just, ugh (groan)...And here is the other deal. Hey, if I..If I...you want me gone? Then I want the Mel Snow deal. I will quit today if you give me the Mel Snow deal. Pay me for five years, I'll leave. I'll fucking leave right now. I will leave right now. I want the Mel Snow deal. Otherwise, guess what? **It's my office mother fuckers until I'm not here! Every fucking one of them commissioners is a failed fuck! They can't fucking do anything in life. I know everything about everyone of them committing fraud from fires to accidents. Maybe all of that shit will have to come back up.**"
10. Random unrelated discussion between persons present.

B. VIDEO 2

1. Witness: "You know what I used to do when my camera did not work, I took my iPhone and put it in the corner..."
2. Sheriff Telkamp: "I'm just saying that if this shit doesn't stop, then things are gonna get really, really bad. Here is the last email I got from your LELS Union Rep Kevin McGrath: 'Steve, have they all gone mad? This is ridiculous.' Now there is two more commissioners involved in this, Corky (sic) and Gerald (sic). If those two think I'm gonna give them anything anymore...[reading from his cell phone}... here is what it is. '*Policy from Aurora Heard*'....not a policy, a memo. And Kluis and Magnus signed this. **They want my fucking boot up their ass?** They can try."
3. Witness: (Referring to the memo Telkamp read from his cellphone) "What does it say?"
4. Sheriff Telkamp: (Reading from the memo on his cell phone): '*We continue to experience problems with Sheriff's Office personnel recording their time. All are required to promptly and accurately record their time using the time web system.*' **Fuck your policy! This is my office!** We are not, we are not putting it on the time web...the payroll. (Reading from his cell phone) '*Accurate time recording is also accurately required by law.*' It is. I'm the one that found that out because she kept fucking changing shit, and I sent my payroll to Fred. And he said, Umm, you do have one issue. He's like, you're right. Every time I have questioned anything they want to change, I have been right, Donna has been right, okay. And he said, 'But you do have to have a time in there.' He said 'The nonexempt employees...the exempt employees it doesn't quite matter. The nonexempt employees have to record their time. And he said, 'Your RMS system is adequate', whatever, okay. So the guys calling in on the radio logs and shit like that, whatever, the dispatcher punching in and logging in, that's fine..."
5. Witness: Discussing login and time entry.
6. Sheriff Telkamp: "So anyway, so anyway...so Aurora is **lying** to them about this. And they're believing her. So if they are going to fucking listen to this **fucking lying bitch** Jackie, I'm fucking done. (Continuing to read from the memo) '*Failure to do it is a violation of*'"

our County policy'. **Fuck you, it's not my policy!** (continuing reading) *'Accurate time recorded is required by law.'* Yep, and we are recording it. (continuing reading) *If employees continue to fail to record their time pursuant to County policy'...fuck you're policy!...*(continuing reading) *'we will have no choice but to install a clock at the County offices (laughing) where employees will be required to report to work and punch in at the beginning of the day/shift and punch out at the end of the day/shift. We hope to avoid that. Please take this notice seriously, Gerald and Corky.'* **Fuck you! Fuck you!**"

7. Witness: "You know what is funny, now they are going to have to pay me overtime."
8. Sheriff Telkamp: "This is how **fucking retarded** they are. Okay, drive in, punch out, drove home, drive back, punch in drive home, drive back, punch in, cause (raising voice) your time will never end. I told that **dumb TWAT**, that I am doing what is required by law! You are the one who never followed it. I discovered it...And we are recording our time on paper and RMS. So here is my response. (reading from cell phone) *'This policy does not apply to my sheriff's office. I keep track of my employees time recording. As the time sheets after I submitted them have been intentionally changed or altered them'...*that is true."
9. Witness: "Well, we don't know that for sure though."
10. Sheriff Telkamp: "It is 100% true."
11. Witness: "Can you prove it though? By who?"
12. Sheriff Telkamp: "There is only one person after I've approved them that can change it, her or me. And they changed it, [Sheriff Office employee's name], and after she was caught on fucking camera, on fucking mic, saying she was targeting...[names]. This is why we went to paper, because she is changing... so...[continuing reading]...*they have been changed or omitted intentionally after I have approved them is a serious violation'...*which it is...(continuing reading) *'especially at the time as Commissioner Theiner, Commissioner Gunnig and Coordinator Heard have been recorded targeting employees and retaliating against employees. The County policy from Aurora heard is not correct'...* It is not. **She is lying! She is trying to cover her ass!**"
13. Witness: "Is she saying that she is not getting our timesheets? Is that what she is saying?"
14. Sheriff Telkamp: "No, that we are not putting the comments and shit in."
15. Witness: "Well we got our time (recorded)."
16. Sheriff Telkamp: "Exactly so it is not actually correct. I have had a discussion with the labor attorney regarding time and what we are doing with time is sufficient. He said it just has to be times stamped. The reason we are doing the paper is because at times people forget to punch in, call in, log in or whatever. We don't want that to be omitted and have **TWAT!** Look like it is fabricating time. **TWAT(!) fabricated [employee name] time** after I approved it and submitted it, it got changed."

17. Witness: "Isn't that illegal?"
18. Sheriff. "**That is illegal**...Just...I've got stuff coming back...just..and if I could prove it I would walk over there and throw **that fucking bitch on the ground and arrest her**, and the fucking Commissioners too. And now Gerry is involved in this too."
19. Sheriff Telkamp..."Do you know why she ran Diane Clarks (sic) out? I got the whole story and not from Diane and Rick. Because Aurora, in high school, Diane and her oldest daughter did not get along...(discussion regarding other people)...that is why she targeted Diane..."
20. Witness: "She doesn't want anybody that works here...she wants five year employees."
21. Sheriff Telkamp: "No, **She is an evil person... She is an evil, evil person.**"
22. Witness: "That's the wave now. They don't want people that stay here."
23. Sheriff: "These **fucking commissioners** want to be involved, guess what? They better be following the fucking law cause I will, I will...(pointing and yelling at commissioner's family member who was present)... not give a fuck!"
24. Witness to Sheriff Telkamp: "Don't yell at me. I've got nothing to do with this."
25. Sheriff Telkamp: (Talking to Commissioner's daughter).. "I just want to say one more thing. Everybody here is at will. I don't care. Everybody here is at will. I'm just fucking tired of it. I am not over budget. The public likes the job we are doing. The public isn't complaining."
26. Witness: "So what the fuck is her beef? I don't get it."
27. Sheriff: "Her beef is ..(mimicking a whiney voice) oh in high school cause she got her hair pulled by Diane Clarkson's (sic) daughter..."
28. Witness: "So what did [Sheriff's Office employee name] (sic) or [Sheriff's Office employee name] (sic) or ..."
29. Sheriff Telkamp: "That's all aimed at me...because of Thiner (Commissioner) and Gunnick (Commissioner). Cause Gunnick, her (Gunnick's) husband got fucking fired. I'm just fucking tired of it."
30. Witness: Inaudible discussion.

31. Sheriff Telkamp: “That’s okay, cause guess who I got on my side? Jim Kluis, Jeff Bose, Mike Stelter, and guess what? They are gonna start raising hell. We got a little plan. And **Aurora Heard, you are only one Commissioner away from losing your job.** Get it in gear.”
32. Witness: “Jeff Bose..”
33. Sheriff Telkamp: (continuing) “Jim Kluis...Mike Stelter.”
34. Witness: “Mike Stelter and Jim Kluis both live in the same town so they can’t both be county commissioners.”
35. Sheriff Telkamp: “But they can be...”
36. Witness: “They run this underground thing.”
37. Witness: “I’m gonna run for County Commissioner.”
38. Sheriff Telkamp: “Perfect and guess what? I will support that ,and you will be her boss and she is at will. She serves at the pleasure of the Board, so that gives me three (Commissioner votes).”
39. Witness: “**You say she (referring to Aurora Heard) serves at the pleasure of the board, how far do you take that?**”
40. Witness: “**I think she takes that pretty far.**”
41. Sheriff Telkamp: **Laughing.**
42. Other general discussion.

C. VIDEO 3

1. Group discussion regarding a case involving a student. Due to the nature of the discussion, it is not transcribed.
2. Video continued as Video 4.

See Video 4 narrative below.

D. VIDEO 4

1. Sheriff Telkamp “Grant, I’m going to file that grievance cause it is against the ACA. So, I am going to report it. I’m gonna report that the board did this, cause...It is under the Obama Care Act. Cause **I’m gonna call the Department of Labor**... I’m gonna go work on a schedule cause if they are gonna cut my people, then I’ve gotta shave time. I gotta make it work, so, I’m gonna have to do eight-hour shifts, rotating five on, two off, just like our old schedule in here. Everybody’s gonna rotate. That’s all I can do.”
2. Witness: “So what is the plan here.” [unrelated discussion]
3. Sheriff Telkamp: (Yawning)... [inaudible]...But that is okay, cause [inaudible], even [inaudible] told him that, he’s got a [inaudible] lawsuit, so. [Name of Sheriff’s Office employee] will have one pretty quick, especially if...It will have Gerald Magnus name on it and Corky...so that’s awesome. Shit’s gonna get crazy here for the next year...Like I said, I only have to make \$12 an hour after this year. I’m \$.50 an hour ahead...”
4. Witness: Inaudible discussion.
5. Sheriff Telkamp (referring to the Commissioner’s daughter): “Stick around [name of employee Telkamp said will sue and recover damages from the County], there might be a spot open in Dispatch.”
6. Sheriff leaves room and is heard singing as he walks down hallway.

EXHIBIT 2

EXHIBIT 2A

EXHIBIT 2B

Policy Against Workplace Harassment**Philosophy/Purpose:**

Murray County is committed to ensuring an environment where employees can work, learn, and develop to their full potential. Harassment, as well as offensive, degrading and inappropriate remarks and conduct, are not permissible and have no place in our work environment.

This policy is designed to further Murray County's goal of a healthy, respectful and discriminatory free environment that promotes dignity and equality and to comply with federal and state laws. It is each employee's responsibility to maintain a workplace free of any form of harassment and discrimination.

It is also the policy of Murray County to prohibit any form of workplace harassment against any employee or any applicant for employment because of age, race, sex, religion, national origin, disability, marital status, sexual orientation, veteran status, creed, socioeconomic status, pregnancy, or other protected classes designated by applicable federal, state and local laws. Murray County will not tolerate workplace harassment, whether committed by an employee, supervisor/manager, vendor, contractor, or client against anyone including managers, supervisors, and co-workers.

Policy Applies to Whom, Where, and When:

Those covered under this policy include all Murray County's employees, commissioners, elected officials, agents, visitors, contractors, clients, and vendors. The policy is in effect anytime employees are on Murray County business including outside of the office, for example – travel, meetings, and other events. It may also include social gatherings if the behavior directed from one employee to another is egregious enough to negatively impact the work environment.

Harassment Definition:

Harassment may consist of, but is not limited to:

- Verbal harassment (e.g. epithets, derogatory statements, slurs, and offensive comments or jokes based on an individual's protected class).
- Physical harassment (e.g. unnecessary or offensive touching), and
- Visual harassment (e.g. offensive posters, cartoons, drawings, gestures, screensavers, clothing).

That demeans or intimidates an employee or group of employees because of their protected class.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature:

- Where giving in to or rejecting the behavior is used as the basis for employment decisions affecting the individual (e.g. getting hired if one submits to the sexual behavior: continuing employment depends on "going along" with harassing conduct, or "giving in" to sexual demands such as dates, 'late night meetings', or a sexual relationship, to name a few).
- Which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment (please see examples below).
- When demeaning, degrading, and offensive behavior is directed towards one gender when the behavior *may not necessarily be sexual in nature*, but would not occur to that individual if not for her/his gender.
- Sexual harassment also includes harassment between members of the same sex, including harassment motivated by a belief that a co worker does not conform to the stereotypes of his or her gender. Harassing behavior aimed at an individual because of their real or perceived sexual orientation will not be tolerated and is a violation of the law.

Examples of Sexual Harassment and other Protected Class Harassment:

Conduct that Murray County considers unacceptable and often a part of harassment includes, but is not limited to, the following:

- Unwelcome sexual invitations or requests for sexual activity or a date in exchange for promotions, preferences, favors, selection for special projects, job assignments etc.

- Unwelcome and offensive public sexual displays of affection including groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive body language and massages.
- Any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions such as sexual remarks or innuendoes about an individual's clothing, appearance or activities, sexual jokes, sexual gestures, public conversations about sexual activities or exploits, sexual rumors and "rating lists", howling, catcalls and whistles, sexually graphic computer images or files or e-mail messages or games etc.
- Unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on gender stereotypes or sexual orientation.
- Unwelcome physical contact or closeness that is sexually suggestive, degrading, or intimidation such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal-body hugs, etc.
- Unwelcome and offensive physical pranks or touching of an individual's clothing based on gender and/or other protected class.
- Rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, sexual and gender-based activity of a criminal nature as defined under the Minnesota criminal code.
- Unwelcome leers, stares, gestures, or slang that are sexually suggestive, sexually degrading or imply sexual motives or intentions.
- Clothing with sexually obscene or sexually explicit slogans or messages.
- Unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.

Additional examples of protected class harassment may include:

- Any unwelcome behavior that is offensive, degrading, intimidating, demeaning, and that is based on stereotypes and attitudes of that protected class.
- Protected class slurs and name-calling.
- Stalking due to one's protected class.
- Graffiti regarding one's protected class.
- Derogatory comments made based on one's protected class.
- Use of computer and/or e-mail for derogatory notes and graphics toward one's protected class.
- Protected class offensive graphics, magazines, T-shirts, posters, etc.
- Treating one group differently because of their protected class whereas it creates a hostile environment for that group.
- Same-race harassment.
- Harassment may be aimed at an individual due to an intersection of their class, for example, harassing someone because of their race, gender, and religion, together.

The fact that someone did not intend to harass an individual is no defense to a complaint of harassment. Regardless of intent, it is the effect and characteristics of the behavior that determine whether the behavior constitutes harassment.

Unacceptable/Offensive/Degrading Conduct may or may not constitute harassment. Usually harassing behaviors must be severe and/or pervasive to a reasonable person to be considered harassment. However, unacceptable/offensive behavior does not have to rise to the level of harassment before disciplinary action occurs up to and including termination. Complaints received will be thoroughly investigated to determine whether the behavior and circumstances are against this policy and/or constitute harassment.

Complaint Procedures:

To the extent they feels safe and comfortable in doing so, the offended employee is encouraged to confront the offender, verbally or in a letter and/or an advocate present, and tell them to stop the offensive conduct because it is unwelcomed.

If the offended employee's concerns are not resolved satisfactorily by communicating with the offender, or if the offended person feels they cannot discuss the concerns with the offender, the offended employee should inform their supervisor/department head, the County Coordinator, or any member of management.

The offended employee is encouraged to document the incident(s) as soon as it occurs in as much detail as possible, including: the nature of the incident(s); dates, times, and places it has occurred; name of the offender; witnesses; their response to the incident(s); the effect/impact of the behavior on them. The offended person who contacts management with a complaint is encouraged to submit this documentation; however, complaints may be filed verbally. Alternate methods of filing complaints (such as tape recorders, scribes, etc.) shall be made available to individuals with disabilities who need accommodation. Interpreters shall be made available for those with limited competence of the English language.

The complainant of offensive conduct and harassment shall be afforded avenues for filing complaints that are free from bias, collusion, intimidation, or reprisal.

The offended employee is encouraged to report the behavior as soon as possible after the incident in order to be effectively investigated and resolved.

Investigation Procedures and/or Resolution of the Complaint:

Murray County will promptly and thoroughly investigate complaints of harassment or other violations of this policy to determine whether improper conduct has occurred.

The offended employee shall be informed by the County Coordinator, that the investigation and resolution of a complaint under this policy does not replace the right to pursue other options such as filing a complaint with the Minnesota Department of Human Rights, the Equal Employment Opportunities Commission, or seeking assistance under state or federal laws with a private attorney. Pursuit of these options by the offended person will not preclude processing of complaints by Murray County.

Once a complaint has come to the attention of Murray County, follow through must and will occur, even if the complainant says they does not want anything done.

The County Coordinator is the decision making authority to review the investigative reports and to make a finding of whether the harassment policy has been violated based upon the investigation and to determine the appropriate action to be taken based upon the findings.

Informal Resolution:

A full investigation may not always be required for every complaint. An informal resolution is often an appropriate response depending upon the nature of the complaint. The goal of the informal resolution is to stop the inappropriate behavior.

Confidentiality:

Murray County will make every effort to protect the rights and concerns of the offended person, the offender, and any witnesses. Respect for the privacy of all parties will be adhered to as much as possible. However, because an individual's right to confidentiality must be balanced with Murray County's obligations to investigate and take necessary action to resolve a complaint, Murray County retains the right to disclose the identity of any of the parties in appropriate circumstances and only to those with a need to know.

Disciplinary Action:

Murray County will take appropriate remedial action based on the results of the investigation and will monitor the situation to ensure that the remedial action is effective. Individuals found to have violated this policy will be subject to disciplinary actions which may include but are not limited to:

- Verbal warning/reprimand
- Written warning/reprimand in employee file
- Written apology to the offended person
- Education and/or coaching on harassment by means of reading, videos, classes, or other training

- Referral for psychological assessment or treatment
- Involvement of law enforcement
- Suspension
- Referral to Employee Assistance Program/counseling
- Loss of promotion
- Loss of salary increase
- Termination

Right to Appeal:

Both the offended employee and the offender shall have the right to appeal decisions to the County Coordinator within 10 working days after notification of the outcome of the investigation. The appeal shall be in writing, and the County Coordinator will respond within 10 working days at which time the parties may present their case and arguments.

Within 10 working days of the appeal the County Coordinator shall provide all parties with a written decision. During the time of the appeal and review, disciplinary action taken as a result of the complaint will be enforced.

Retaliation:

Murray County will not tolerate retaliation or intimidation of any kind towards anyone making a report or complaint of harassment or offensive behavior. No employee who reports a violation of this policy will be subject to any adverse employment action because of the reporting. No manager or employee at Murray County will retaliate against an employee because he or she has opposed discriminatory practices including: complaining of discrimination or harassment through the internal complaint procedures, filing a charge of discrimination with any municipal, state, or federal equal employment opportunity agency, or participating in an investigation of a charge or complaint of discrimination or workplace harassment. Such retaliation and intimidation not only violates this policy but also violates state and federal law.

All parties involved shall be informed of their right to be free of retaliation and intimidation. Murray County shall bring swift and strict disciplinary action against any individual who retaliates against a person reporting harassment or who retaliates against a person who testifies, assists or participates in an investigation proceeding or hearing in connection with a harassment complaint.

Examples of retaliation include but are not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, unfair performance review, not being informed/included about important events such as meetings or changes in policies in policies, ridicule (public or private), name calling, refusal to meet with a person even though that person has a right to do so, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action up to and including suspension, probation or termination.

Consensual Relationships:

Consensual relationships in situations involving a supervisor/manager and an employee are generally inappropriate and strongly discouraged by Murray County. Any supervisor/manager that enters into a sexual relationship with a staff member, where a professional power relationship exists, is warned that if a charge of sexual harassment is subsequently made, that staff member may assert that the relationship was not consensual and/or became non-consensual.

Employee Responsibility:

Every Murray County employee is to refrain from participation in, or encouragement of, action that could be perceived as harassment or offensive conduct, and is encouraged to assist in the prevention and intervention of harassment by:

- Reporting acts of harassment and/or offensive conduct to a member of management and/or to the County Coordinator

- Encouraging any employee who complains of being harassed or discriminated against to report these acts to a member of management and/or to the County Coordinator.
- Informing the offender that their behavior is unacceptable, against policy and that he/she should stop the behavior
- Offering support to the offended employee

Offensive Conduct, Harassment and Violence Policy Number: 202

**OFFENSIVE CONDUCT, HARASSMENT AND VIOLENCE
INCIDENT REPORT FORM**

Murray County maintains a policy to provide a work environment free from offensive conduct, harassment and violence. Offensive conduct, harassment and violence in any manner or form will not be tolerated. The County encourages the reporting of cases of offensive conduct, harassment and violence, and will actively investigate as well as take appropriate action on all reports of offensive conduct, harassment and violence.

COMPLAINANT _____

ADDRESS _____ TELEPHONE _____

DATE AND TIME OF ALLEGED INCIDENT (S) _____

NAME OF PERSONS YOU BELIEVE HARASSED YOU _____

NAME OF WITNESS(ES) WHO WERE PRESENT _____

LOCATION(S) WHERE INCIDENT(S) OCCURRED _____

Describe the incident(s) as completely as possible, including such Things as: what force, was used, verbal statements (threats, requests, demands, etc.), physical contact was involved, actions you took to avoid the situation; etc. Use reverse side if necessary.

I am filing this complaint based upon my belief that _____ has offended, harassed or acted in violence toward me. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

Date Signature

Received by _____ Date _____

EXHIBIT 2C

I. Policy Statement

Murray County affirms its right and responsibility to develop and administer the regulations, disciplinary measures and general work rules necessary to ensure efficient operation of services, fair treatment and safe working conditions. The County retains all rights and privileges not specifically addressed in these regulations.

II. Policy Guidelines

The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment. This list is not all-inclusive and nothing in this policy prohibits the County from modifying or interpreting the list from time to time in the best interest of the County and its employees.

Murray County is an "at Will" employer and as such employment is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. The Employee Conduct and Work Rules Policy does not alter the employee's at-will status nor does it imply or guarantee continued or permanent employment.

- Unapproved employment or volunteer activity determined to be a conflict of interest with County employment.
- Misappropriation and/or mismanagement of County property or funds.
- Falsifying or destroying County reports or records, including falsification of an employee's time card or time sheets.
- Reporting to work under the influence of alcohol, illicit drugs or controlled substance and/or possession, consumption or sale of the same while on duty or while operating County owned vehicles or equipment.
- Fighting, threatening violence and/or possession of illegal weapons in the workplace.
- Boisterous or disruptive activity in the workplace
- Negligence or willful destruction and/or abuse of any County property or customer-owned property.
- Insubordinate conduct, refusal to follow a supervisor's direction or willful violation of rules or regulations.
- Violation of safety or health rules
- Unauthorized use of telephones, mail systems, e-mail, Internet, computers or other County-owned equipment.
- Conduct that violates County or department personnel policies, rules or regulations
- Conduct or performance, which fails to satisfy the duties, responsibilities, quantity, quality or safety rules of the job.
- Excessive or unexcused absences, lateness in reporting to work or leaving the work site before regular quitting time.
- Failure to respond to a call-out in a timely manner, as defined by the department protocols
- Restrictions, interference or harassment of others in the performance of their job, which is adversely distracting or disruptive to the well being or performance of others.
- Engaging in harassing, discriminatory, retaliatory or threatening conduct.
- Solicitation or acceptance of money, gifts or valued items which may be construed as evidence of favoritism, coercion, unfair advantage, collusion, or otherwise impacting the decisions of an employee in public matters.
- The use or threatened use of political influence to exert pressure on any County employee for favors or to conduct actions contrary to these Regulations.
- Willful deception or misrepresentation on an employment application.
- Reporting for a scheduled work assignment in dress that an authorized supervisor or department dress code has indicated is not acceptable for the work assignment or is disruptive to employees or the public.

- Failing to comply with County expectations of proper hygiene.
- Disclosure of data in violation of Board rules or the Minnesota Government Data Practices Act.

The above-referenced list is not intended to be an all-inclusive listing of improper conduct for which an employee may be subject to discipline. Misconduct not addressed by this policy will be treated as a violation of a general rule requiring the maintenance of good order and the standards of conduct and/or performance that the County has a right to require of its employees.

EXHIBIT 2D

Mandatory All Staff Training

Protected classes, sexual harassment, when and how to report, documentation, liability issues, retaliation issues, and how to spot and address requests for reasonable accommodations in the workplace; and confidential information.

Courts Meeting Room

Tuesday, November 29, 2016 1:00 pm

Sign in Sheet

Print Name	Signature
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<i>[Handwritten Signature]</i>	<i>[Handwritten Signature]</i>
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EXHIBIT 3A

626.8457 PROFESSIONAL CONDUCT OF PEACE OFFICERS.

Subdivision 1. **Model policy to be developed.** By March 1, 1996, the Peace Officer Standards and Training Board shall develop and distribute to all chief law enforcement officers a model policy regarding the professional conduct of peace officers. The policy must address issues regarding professional conduct not addressed by the standards of conduct under Minnesota Rules, part 6700.1600. The policy must define unprofessional conduct to include, but not be limited to, conduct prohibited by section 609.43, whether or not there has been a conviction for a violation of that section. The policy must also describe the procedures that a local law enforcement agency may follow in investigating and disciplining peace officers alleged to have behaved unprofessionally.

Subd. 2. **Chief law enforcement officers; written policy required.** By July 1, 1996, all chief law enforcement officers shall establish and implement a written policy defining unprofessional conduct and governing the investigation and disposition of cases involving alleged unprofessional conduct by peace officers. A chief law enforcement officer shall adopt a policy identical or substantially similar to the model policy developed by the board under subdivision 1.

Subd. 3. **Report on alleged misconduct.** A chief law enforcement officer shall report annually to the board summary data regarding the investigation and disposition of cases involving alleged misconduct, indicating the total number of investigations, the total number by each subject matter, the number dismissed as unfounded, and the number dismissed on grounds that the allegation was unsubstantiated.

History: 1995 c 226 art 4 s 30

EXHIBIT 3B

6700.1600 VIOLATION OF STANDARDS OF CONDUCT.

Violation of any of the following standards of conduct by a licensee constitutes grounds for disciplinary action:

A. engaging in conduct prohibited by, or listed as, grounds for disciplinary action in this chapter, Minnesota Statutes, chapter 214, or sections 626.84 to 626.90, or engaging in conduct which violates any statute enforced by the board;

B. obtaining a license from the board by fraud or cheating, or attempting to subvert the examination process;

C. being convicted of a felony or gross misdemeanor in this state, or in any other state or federal jurisdiction of an offense that would constitute a felony or gross misdemeanor if committed in Minnesota including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or no contest;

D. having been the subject of revocation, suspension, or surrender of a peace officer license or certificate in resolution of a complaint or other adverse action relating to licensing or certification in another jurisdiction;

E. failing to report the revocation, suspension, or surrender of a license or certificate in resolution of a complaint, or other disciplinary or adverse action taken against a licensee in this or another jurisdiction, or having been refused a license or certificate by any other jurisdiction;

F. being convicted of a state or federal narcotics or controlled substance law irrespective of any proceedings under Minnesota Statutes, section 152.18, or any similar law of another state or federal law;

G. being adjudicated by a court of competent jurisdiction, within or without the state, as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally ill and dangerous to the public, or as having a psychopathic personality, or required to register as a predatory offender under Minnesota Statutes, section 243.166 or 243.167;

H. violating any order issued by the board;

I. practicing outside the scope of Minnesota Statutes, section 626.863;

J. making an intentional false statement or misrepresentation to the board;

K. engaging in sexual penetration or contact without consent, as defined in Minnesota Statutes, section 609.341, or engaging in conduct that violates Minnesota Statutes, section 617.23. Sexual contact does not include contact that is part of standard police procedure such as search and arrest;

L. being convicted, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea of a violation of Minnesota Statutes, sections 518B.01, subdivision 14; 609.23; 609.231; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.43; 609.465; 609.466; 609.52; 609.53; 609.748, subdivision 6; or 626.557;

M. failing to cooperate with an investigation of the board as required by part 6700.1610, subpart 4;

N. engaging in sexual harassment, as defined by Minnesota Statutes, section 363A.03, subdivision 43;

O. using deadly force when not authorized by Minnesota Statutes, section 609.066; or

P. being convicted of solicitation, inducement, or promotion of prostitution in violation of Minnesota Statutes, section 609.322, or any conviction under Minnesota Statutes, section 609.324, or being convicted of similar offenses in another state or federal jurisdiction.

Statutory Authority: *MS s 214.10; 214.12; 626.84 to 626.863*

History: *9 SR 2701; 11 SR 2337; 18 SR 1961; 20 SR 828; 30 SR 903; L 2013 c 62 s 32*

Published Electronically: *August 1, 2013*

EXHIBIT 3C

PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY
MN STAT 626.8457

I. POLICY

It is the policy of the _____ (law enforcement agency) to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

II. PROCEDURE

This policy applies to all officers of this agency engaged in official duties whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted this policy also applies to off duty conduct. Conduct not mentioned under a specific rule but that violates a general principle is prohibited.

A. PRINCIPLE ONE

Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

1. **Rationale:** Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. **Rules**

- a) Peace officers shall not knowingly exceed their authority in the enforcement of the law.
- b) Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.
- c) Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.
- d) Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction.
- e) Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

B. PRINCIPLE TWO

Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

1. **Rationale:** Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

2. **Rules**

- a) Peace officers shall carry out their duties with integrity, fairness and impartiality.

- b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
- c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
- d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.
- e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.
- f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

C. PRINCIPLE THREE

Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

1. **Rationale:** Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

2. Rules

- a) Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.
- b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

D. PRINCIPLE FOUR

Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their agency or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community.

1. **Rationale:** A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

2. Rules

- a) Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in c).
- b) Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.
- c) Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.
- d) Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
- e) Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.
- f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.
- g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.
- h) Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

E. PRINCIPLE FIVE

Peace officers shall treat all members of the public courteously and with respect.

1. **Rationale:** Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.
2. **Rules**
 - a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.

- b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
- c) Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

F. PRINCIPLE SIX

Peace officers shall not compromise their integrity nor that of their agency or profession by accepting, giving or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments or by using their status as a peace officer for personal, commercial or political gain.

1. Rationale: For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

2. Rules

- a) Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.
- b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.
- c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.
- d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.
- e) Peace officers shall:
 - not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;
 - maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
 - not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.

G. PRINCIPLE SEVEN

Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

1. Rationale: For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions

where those actions would or could conflict with the officer's appropriate responsibilities.

2. Rules

- a) Unless required by law or policy a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.
- b) Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
- c) A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.
- d) A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

H. PRINCIPLE EIGHT

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

- 1. **Rationale:** Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's and agency's commitment to preserving such confidences.

2. Rules

- a) Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
- b) Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
- c) Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

I. APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN STAT 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy on Allegations of Misconduct as required by *MN RULES* 6700.2000 to 6700.2600.

PB Rev 01/2011

EXHIBIT 3D

ALLEGATIONS OF MISCONDUCT MODEL POLICY
MN RULES 6700.2200 through 6700.2600

I. POLICY

It is the policy of the _____ (law enforcement agency) that any person who believes that an employee of this agency has acted improperly may bring a complaint to the chief law enforcement officer's attention pursuant to the following procedure.

II. DEFINITIONS

For the purpose of this policy the terms set forth below are defined as follows:

- A. **Chief Law Enforcement Officer** means the chief of police, sheriff, state law enforcement director or a designee. Within this model policy, the chief law enforcement officer will be referred to as CLEO.
- B. **Complainant** means a person who submits a complaint to the CLEO alleging misconduct by an agency member.
- C. **Complaint** means a written statement made to or by a CLEO alleging misconduct.
- D. **Member** means all voluntary and compensated personnel of the agency.
- E. **Discipline** means:
 - 1. oral reprimand,
 - 2. written reprimand,
 - 3. suspension,
 - 4. demotion, or
 - 5. discharge.
- F. **Exonerated** means a fair preponderance of the evidence established either that:
 - 1. the act or acts complained of did not occur;
 - 2. the agency member named in the complaint was not involved in the alleged misconduct; or
 - 3. the act(s) that provided the basis for the complaint occurred; however, the investigation reveals that such act(s) were justified, lawful or proper.
- G. **Not Sustained** means the investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint.
- H. **Sustained** means a fair preponderance of the evidence obtained in the investigation established that the accused person's actions constituted misconduct.
- I. **Formal Statement** means the questioning of an agency member in the course of obtaining a recorded, stenographic or signed statement to be used as evidence in a disciplinary proceeding against the agency member.

J. **Respondent** means any agency member, whether full-time, part-time, temporary or voluntary, against whom a complaint has been filed.

K. **Misconduct** means:

1. a violation of any agency policy and procedure governing conduct of agency members;
2. the use of unnecessary or excessive force;
3. the conviction of any criminal offense;
4. abuse of authority;
5. conduct which violates a person's civil rights;
6. abusive or insulting language or conduct which is derogatory of a person's race, religion, sex, national origin or sexual preference;
7. sexual harassment as that term is defined under Minnesota law;
8. intimidation or retribution toward a complainant or witness involved in any complaint proceeding.

L. **Policies and Procedures** mean the administrative rules adopted by the agency regulating the conduct of agency members.

M. **Shall / Will** means, as used herein, that the action is mandatory.

N. **May** means that the action is permissible.

O. **Receiving authority** means the person who receives the complaint when the subject of the complaint is a CLEO.

III. PROCEDURE

A. INITIATING COMPLAINT

1. Anyone who has personal knowledge of facts or reliable hearsay information may file a complaint. Any agency member who has personal knowledge of misconduct shall file a complaint according to the procedures stated herein.
2. Any agency member shall self-report to the CLEO and to the Peace Officer Standards and Training Board any action, inaction, or condition of that agency member which the agency member reasonably believes would constitute grounds for disciplinary action under any of the Peace Officer Standards and Training Board's regulatory provisions.
3. Upon receiving a complaint against a member within the agency, the CLEO receiving the complaint shall immediately have the complainant complete a Citizens Complaint Form (CCF) and assign an administrative case number. The complaint will not be considered filed until the complainant signs the CCF.
4. If the person making a complaint sets forth specific believable facts supporting an allegation of misconduct but wishes to remain anonymous, the CLEO receiving the

complaint may, with sole discretion, permit the complainant to remain anonymous. In this instance the CLEO shall sign the complaint as the complainant. If the CLEO has reason to believe the complaint is unfounded, the CLEO shall have the authority to require an anonymous complainant to identify himself/herself. If that complainant refuses to do so, the CLEO may refuse to accept a complaint and shall advise the anonymous person of that fact.

5. After a CCF is filed, the CLEO shall sign the document keeping a copy for the agency and providing a copy to the complainant. The CLEO will forward a copy of the document to the respondent only after it is determined that the complaint does not allege a criminal violation and the notification will not impede a criminal investigation.
6. A complainant may be accompanied by an attorney or other representative at the time a complaint is filed or at any other stage of the process.
7. Any complaint made against a chief of police shall initially be made to the city administrator, manager or mayor. Any complaint made against a sheriff shall initially be made to the county attorney or the board of county commissioners. Upon receiving a complaint the receiving authority shall immediately have the complainant complete a Citizens Complaint Form (CCF) and assign an administrative case number. The complaint will not be considered until the complainant signs the CCF.
8. The city administrator, manager, mayor, county attorney or board of county commissioners should refer investigations of alleged misconduct against a CLEO to an outside law enforcement agency or criminal justice agency.

B. THE INVESTIGATION OF A COMPLAINT

1. Upon receipt of the Citizen Complaint Form (CCF), the CLEO shall make an initial determination as to whether the facts alleged require a formal investigation. If the CLEO decides that an investigation is not required, the disposition of the investigation is not required. The disposition of the complaint shall be either "not sustained" or "exonerated". The complainant and the respondent will be notified of this decision and the basis for determination. If the complainant supplies additional information within thirty (30) days of that initial determination, the CLEO may reverse this decision and order a formal investigation.
2. If the CLEO determines a formal investigation is required an appropriate person will be assigned to investigate the complaint. When the CLEO believes an external investigation is appropriate and when the CLEO is the subject of the complaint, the investigation will be assigned to an external agency.
3. The CLEO may suspend a respondent with pay at any time during the investigation of a complaint.
4. As soon as possible after being assigned the investigation the investigator shall inform the complainant of his or her name, business phone number and the status of the complaint.

5. The investigator shall thoroughly investigate all allegations contained in the complaint and any other potential misconduct discovered in the course of the investigation. If the investigation reveals potential misconduct by another agency member the investigator shall report that fact to the CLEO or, in the case of a complaint against a CLEO, the appropriate city administrator, manager, mayor, county attorney or the board of county commissioners.
6. All agency members shall cooperate with the investigation. When the respondent is a licensed peace officer the investigation shall comply with the requirements of MN STAT 626.89 and acts amendatory thereto.
7. The investigator shall prepare a report which will contain all relevant information organized into the following three (3) sections.
 - a) *Allegations*: an itemized summary of the acts of misconduct alleged in the complaint. Reference shall be made to those rules, procedures, orders, statutes, or constitutional provisions that would be violated if the allegations are taken as true.
 - b) *Investigation*: a chronological summary of the investigation including all pertinent facts obtained through interviews with the complainant, accused agency member and all available witnesses. Written statements, descriptions and analysis of any physical evidence, and all other relevant information shall be included.
 - c) *Conclusions*: the investigator's findings, conclusions as to whether any misconduct occurred and the underlying reasons for the finds and conclusions.
8. The investigation shall be completed within thirty (30) days of the filing of the complaint unless the CLEO determines there is good cause to grant an extension to the investigation time. The complainant and respondent shall be informed of any extension.
9. A complaint received through the Minnesota Board of Peace Officer Standards and Training will be handled pursuant to this policy; the Board will be advised of the status of the complaint within 30 days.

C. ADDITIONAL INVESTIGATION, REVIEW AND DISPOSITION

1. Upon completion of the investigation the investigator shall submit the report, case file and all Investigative notes to the CLEO. The CLEO may require additional investigation or make one of the following decisions: "exonerated," "not sustained," or "sustained."
2. The CLEO may postpone making a decision until any related criminal charges are resolved. The complainant and respondent shall be informed of this decision.
3. If the decision is "exonerated" or "not sustained" the CLEO shall immediately notify the complainant and the respondent of the decision.
4. If the complaint is "sustained" the CLEO will:
 - a) issue findings of fact including a summary of the acts constituting misconduct and the specific statutes, policies, regulations and procedures violated; and
 - b) take appropriate remedial and/or disciplinary action.

5. Prior to the implementation of remedial and/or disciplinary action the respondent will be provided with a copy of the findings of fact. The CLEO and/or appropriate person shall review the findings of fact with the respondent and explain the reasons for the remedial and/or disciplinary action.
6. The investigation may be re-opened by the CLEO at any time if substantial new evidence is discovered concerning the complaint.
7. When a "sustained" disposition is final the respondent may appeal the disposition pursuant to the rules and law governing the accused member's employment.

D. MAINTENANCE AND DISCLOSURE OF DATA

1. Disclosure to the public, complainant and respondent of data collected, created or received by the agency in connection with this policy and procedure shall be governed by the provisions of the MN Government Data Practices Act. Retention of data collected or maintained in connection with this policy shall be retained in accordance with the agency's "Record Retention Schedule."
2. All data collected, created or received by the agency in connection with this policy and procedure shall be maintained in accordance with the agency's "Record Retention Schedule."
3. The placement of the disposition report or other data in an employee's personnel file shall be governed by the agency's personnel policy.
4. Access to data collected, created, or received in connection with this policy and procedure may only be authorized by the CLEO or the agency's Data Practices "Responsible Authority," and as provided by Chapter 13, the "Minnesota Government Data Practices Act," or valid court order.

PB Rev. 01/2011

EXHIBIT 4

Subject: CONFIDENTIAL: Murray County Investigation - NOTICE OF GARRITY-COMPELLED INVESTIGATORY INTERVIEW TO BE CONDUCTED AT 3 P.M. ON THURSDAY, 03.29.18

From: M. Soldo (msoldo@soldoconsulting.com)

To: stelkamp@co.murray.mn.us;

Cc: msoldo@soldoconsulting.com;

Date: Tuesday, March 27, 2018 4:14 PM

Dear Sheriff Telkamp:

Attached please find a letter from me notifying you that you are the subject of an investigation and your *Garrity*-compelled interview will be conducted at 3:00 p.m. on Thursday, March 29, 2018. The letter includes confidentiality and non-retaliation instructions that are effective immediately. Also attached is a combined *Garrity*- and Tennesen Advisory.

Your investigatory interview will be conducted and recorded pursuant to the requirements of the Minnesota Peace Officer Discipline Procedures Act, Minn. Stat. 626.89. You may have representation present in person or by phone. Please be advised that your refusal to cooperate will contravene *Garrity* cooperation requirements and will result in findings based on available evidence, without the benefit of your input.

Thank you and I look forward to meeting with you at 3:00 p.m. on Thursday, March 29.

Best regards, Michelle

Michelle M. Soldo
Attorney/Investigator

Soldo Consulting, P.C.
Telephone: 651-238-3748
Facsimile: 651-389-9276

WARNING: This message may contain confidential and/or private information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

Attachments

- 03.27.18 Notice to Sheriff Steve Telkamp of Investigation and Garrity-Compelled Interview on 03.29.18.pdf (124.46KB)
- Tennesen-Garrity Warning.RESPONDENT-Sheriff Steve Telkamp.pdf (87.16KB)

ATTORNEY AT LAW
SOLDO | CONSULTING
PROFESSIONAL CORPORATION

8163 Galway Circle, Woodbury, MN 55125
Telephone: 651-238-3748 Facsimile: 651-389-9276

March 27, 2018

**NOTICE OF GARRITY-COMPELLED
INVESTIGATORY INTERVIEW**

Sheriff Steve Telkamp
Murray County Sheriff's Office
2558 29th Street
Slayton, MN 56172

Re: Murray County External Investigation – Alleged Violation(s) of County Policy

Sheriff Telkamp:

Please be advised that Murray County has initiated an independent fact-finding investigation and I have been retained to conduct the investigation. You have been identified as the subject of the investigation. Pursuant to the requirements of the Peace Officer Discipline Procedures Act, Minn. Stat. § 626.89, this letter notifies you of the following allegation(s) under investigation:

Allegation(s): You engaged in conduct violating County and Sheriff's Office policy, including but not limited to Policy Number 202: Offensive Conduct, Harassment and Violence and the Sheriff's Office Code of Conduct.

Notice of Taking of Formal Statement:

Attached please find a *Garrity*-advisory applicable to your investigatory interview to be conducted at 3:00 p.m. on Thursday, March 29, 2018. The interview will be conducted at the Slayton Public Library. You may have an attorney present in person or by phone. Please be advised that your refusal to cooperate will contravene *Garrity* cooperation requirements and will result in findings based on available evidence, without the benefit of your input.

Confidentiality Instruction: You are hereby instructed not to discuss the investigation with anyone other than me and your designated representative.

Non-Retaliation Instruction: You must not engage in any behavior that could be construed as retaliation against anyone you believe may be involved in this investigation. Discussion of the investigation with potential witnesses and others in contravention of the above-cited confidentiality instruction could be deemed prohibited retaliation.

Respectfully submitted,

Michelle M. Soldo

Michelle M. Soldo

**MURRAY COUNTY
COMPLAINT INVESTIGATION**

**Combined Garrity & Tennessen Advisory
Respondent/Subject Sheriff Steve Telkamp**

Murray County initiated a complaint investigation for possible corrective action. You **ARE** a subject of the investigation. By separate letter dated March 27, 2018, you were informed of the complaint/allegations.

You are required to provide external and independent Investigator Michelle Soldo of Soldo Consulting, P.C. with all requested information relative to this investigation. The information requested may be obtained in the form of an oral or written statement or documents. Please be advised that your refusal to cooperate will contravene *Garrity* cooperation requirements and will result in findings based on available evidence, without the benefit of your input.

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

- A. The subject(s) of the data, which may include someone other than yourself.
- B. Individuals within the County whose work assignments reasonably require access to the information you provide. Those individuals include, but are not necessarily limited to, your immediate supervisor(s), your department head and County Administration.
- C. Any persons, entities or agencies authorized by state or federal law to have access to the information. These include, but are not necessarily limited to, the following:
 1. Law Enforcement Agencies. Any statements you make under threat of discipline, or evidence obtained as a result of such statements, cannot be used against you in any criminal proceeding.
 2. Contracting Parties. Where a contract between the County requires that such party have access, the information you provide will be shared with that contracting party. The contracting party may not disclose the information except as authorized by state or federal law. Contracting parties include, but are not necessarily limited to, investigators and labor consultants hired by the County of Rochester and representatives of your exclusive bargaining unit.
 3. County Attorneys. The information you provide may be shared with County of Rochester Attorneys, if the information is related to a matter upon which the County has required legal advice.
 4. Open Meetings. If it becomes reasonably necessary to discuss such information at any meeting required by law to be open to the public, the information you provide may become available to the public at such meeting.

5. Documentation Supporting Disciplinary Action. If such information results in the imposition of discipline (including oral or written reprimands, suspension with or without pay, or termination), the information you provide will become available to the public as documentation supporting final disciplinary action.
 6. Change in Classification. The information you provide may be made available to other persons or entities if state or federal law subsequently authorizes such access or if the state commissioner of administration approves a new or different use of the information pursuant to Minnesota Statute 13.05, subd. 4(c).
 7. Court Order. The information you provide will be made available to any persons or entities authorized by court order to have access to the information.
- D. Persons or entities that have the express written consent of the data subject, who may be someone other than yourself.

I have read and understand the above advisory.

Date

Sheriff Steve Telkamp Signature

Document Issue Date

Investigator Michelle Soldo Signature

Subject: Fwd: CONFIDENTIAL: Murray County Investigation - NOTICE OF GARRITY-COMPELLED INVESTIGATORY INTERVIEW TO BE CONDUCTED AT 3 P.M. ON THURSDAY, 03.29.18
From: M. Soldo (msoldo@soldoconsulting.com)
To: stelkamp@co.murray.mn.us;
Date: Thursday, March 29, 2018 4:02 PM

Sheriff Telkamp: it is now 4:00 PM and 1 hour beyond the start time of our 3 PM meeting today. I accept your no-show and your failure to respond to my many voicemail and email messages as your refusal to cooperate in the investigation.

The confidentiality and non-retaliation instructions you received are in effect until further notice.

Thank you, Michelle

Sent from my iPhone

Begin forwarded message:

From: "M. Soldo" <msoldo@soldoconsulting.com>
Date: March 29, 2018 at 2:52:27 PM CDT
To: "stelkamp@co.murray.mn.us" <stelkamp@co.murray.mn.us>
Subject: Fwd: CONFIDENTIAL: Murray County Investigation - NOTICE OF GARRITY-COMPELLED INVESTIGATORY INTERVIEW TO BE CONDUCTED AT 3 P.M. ON THURSDAY, 03.29.18

Hello sheriff: this email follows my voicemail at 2:43 PM today. I am at the Slayton library in the community center room where we will meet at 3 PM today. Thank you.

Sent from my iPhone

Begin forwarded message:

From: "M. Soldo" <msoldo@soldoconsulting.com>
Date: March 29, 2018 at 12:43:10 PM CDT
To: Stelkamp@co.murray.mn.us
Subject: Fwd: CONFIDENTIAL: Murray County Investigation - NOTICE OF GARRITY-COMPELLED INVESTIGATORY INTERVIEW TO BE CONDUCTED AT 3 P.M. ON THURSDAY, 03.29.18

Good afternoon Sheriff:

I'm following up on my emails and voicemail messages.

As you know, you are the subject of the investigation underway. My meeting with you today is your opportunity to respond to the allegations under investigation. For that reason, I am diligently seeking and urge your cooperation.

I look forward to meeting with you at 3 PM today.

Thank you, Michelle

Sent from my iPhone

Begin forwarded message:

From: "M. Soldo" <msoldo@soldoconsulting.com>
Date: March 29, 2018 at 8:14:41 AM CDT
To: "stelkamp@co.murray.mn.us" <stelkamp@co.murray.mn.us>
Subject: Re: **CONFIDENTIAL: Murray County Investigation - NOTICE OF GARRITY-COMPELLED INVESTIGATORY INTERVIEW TO BE CONDUCTED AT 3 P.M. ON THURSDAY, 03.29.18**

Good morning sheriff Tellkamp:

This email follows my two voicemails and two emails yesterday and my voicemail at 7:58 AM today.

At 3 PM today, let's plan to meet at the Slayton library, unless you identify another location. You can bring with you a signed copy of the Garrity and Tennessen notice I sent you by email or sign a copy I have with me.

Thank you.

Sent from my iPhone

On Mar 28, 2018, at 2:29 PM, M. Soldo <msoldo@soldoconsulting.com> wrote:

Hello Sheriff: this email follows the voicemail I just left for you on your office voicemail. I left you a courtesy reminder of our 3 PM meeting tomorrow, which is discussed in the email attachment you received and the letter you should receive by registered mail. Please feel free to contact me directly if you have any questions prior to our 3 PM meeting tomorrow. Thank you.

Sent from my iPhone

On Mar 28, 2018, at 8:05 AM, M. Soldo <msoldo@soldoconsulting.com> wrote:

Resending due to transmission error.

From: M. Soldo <msoldo@soldoconsulting.com>
To: "stelkamp@co.murray.mn.us" <stelkamp@co.murray.mn.us>
Cc: M. Soldo <msoldo@soldoconsulting.com>
Sent: Tuesday, March 27, 2018 4:14 PM
Subject: CONFIDENTIAL: Murray County Investigation - NOTICE OF GARRITY-COMPELLED INVESTIGATORY INTERVIEW TO BE CONDUCTED AT 3 P.M. ON THURSDAY, 03.29.18

Dear Sheriff Telkamp:

Attached please find a letter from me notifying you that you are the subject of an investigation and your *Garrity*-compelled interview will be conducted at 3:00 p.m. on Thursday, March 29, 2018. The letter includes confidentiality and non-retaliation instructions that are effective immediately. Also attached is a combined *Garrity*- and Tennesen Advisory.

Your investigatory interview will be conducted and recorded pursuant to the requirements of the Minnesota Peace Officer Discipline Procedures Act, Minn. Stat. 626.89. You may have representation present in person or by phone. Please be advised that your refusal to cooperate will contravene *Garrity* cooperation requirements and will result in findings based on available evidence, without the benefit of your input.

Thank you and I look forward to meeting with you at 3:00 p.m. on Thursday, March 29.

Best regards, Michelle

Michelle M. Soldo
Attorney/Investigator

Soldo Consulting, P.C.
Telephone: 651-238-3748
Facsimile: 651-389-9276

WARNING: This message may contain confidential and/or private information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

<03.27.18 Notice to Sheriff Steve Telkamp of Investigation and Garrity-Compelled Interview on 03.29.18.pdf>

<Tennesen-Garrity Warning.RESPONDENT-Sheriff Steve Telkamp.pdf>

EXHIBIT 5

I. Policy Statement

It is the County's Policy to maintain accurate payroll time and reporting procedures which are necessary for the processing of paycheck.

II. Policy Guidelines

1. Pay Periods

There are two full weeks (Sunday – Saturday) in every pay period. Employees will be paid biweekly on the Thursday 12 days following the completion of the pay period (Ex. For the pay period of: Su. 10/04 through Sa. 10/17, the pay date will be Th., 10/29). When the pay date falls on a holiday, employees will be paid the preceding work day.

2. Reporting

Employees are required to report hours worked and leave usage as noted below through the web-based payroll system. Following the completion of a pay period, the employee is to accept and submit their timesheet to their supervisor for further approval. This process is to be completed as soon as possible following the pay period's ending date

- A. Non-exempt employees are to record all hours worked (including overtime and compensatory time accrued) as well as any leave taken (vacation, sick, etc.) by the end of the following business day.
- B. Exempt employees are to record any leave taken (vacation, sick, etc.) by the end of the following business day.

3. Payroll Deductions

Murray County will deduct the appropriate amounts from an employee's pay as is required by federal and state law for taxes and PERA.

Additional deductions may also be taken for the employee's share of cafeteria plan benefits, deferred compensation, union dues and other deductions as ordered by law.

4. Paychecks/Direct Deposit Stubs

Paycheck/direct deposit stubs are issued and are available via the web-based system.

The employee is to have their check direct deposited to a bank; the appropriate form can be obtained from the County Coordinators Office.