

MINNESOTA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF ENFORCEMENT
DIRECTIVE

DIRECTIVE NUMBER: A-1-24

SUBJECT: Directives, Structure and Organization

EFFECTIVE DATE: 5-22-2024

SPECIAL INSTRUCTIONS:

APPENDIX: Appendix A-Directive Drafting/Review

REFERENCE:

DISTRIBUTION: All Conservation Officers

NUMBER OF PAGES: 6

This directive is for division use only and does not modify or supersede any law and should not apply to any criminal or civil proceeding except for civil proceedings related to departmental administrative actions. This directive should not be viewed as creating a higher standard of safety or care in any evidentiary sense. Violations of this directive may form the basis for departmental administrative action.

I. PURPOSE

The purpose of this directive is to establish a system of issuing, reviewing, and maintaining written directives governing the activities of employees of the Minnesota Department of Natural Resources, Division of Enforcement. These directives will formulate policies, procedures, and rules or combinations of these, intended to guide employees to accomplish the Division's mission.

II. POLICY

It is the policy of this Division to utilize directives to assist division employees in law enforcement duties and responsibilities.

Guidance to division employees is provided through written directives which:

- A. Reflect the requirements of applicable U.S. and Minnesota laws, rules, and regulations;
- B. Increase accountability to the public and division staff; and

C. Exemplify the best practices in conservation law enforcement.

III. DEFINITION

Director: For the purposes of all directives, IPMs and MODs, means the Director of the Division of Enforcement, or their designee

IV. STRUCTURE AND ORGANIZATION

- A. **Policy** statements contained in directives are statements of division philosophy describing general guidelines and expectations to Conservation Officers and/or division employees. Policy statements, with proper justification, allow for deviation from a prescribed course of conduct and permit limited officer discretion.
- B. **Procedures** contained in directives provide instructions or methods of performing specific tasks or taking a specific course of action. Conservation Officers/employees may deviate from established procedures as outlined in the procedure or with supervisory approval.
- C. **Rules** contained in directives establish requirements or prohibitions governing conduct of Division employees. These directive rules should not be confused with statutory mandated rules promulgated under the Administrative Procedures Act. Rules are characterized by terms such as must, shall, will, shall not, etc. Deviation from rules is permitted only under expressed exceptions unless compliance with the rule would be unlawful.

V. AUTHORITY

Directives are issued under the authority of the Division Director.

VI. PROCEDURE

- A. Directives will be reviewed by the Director's designated staff in accordance with procedures established for that purpose before being issued (see Appendix A).
- B. Directives will be reviewed on the following schedule; absent extenuating circumstances:
 - 1. Operations Directives every two years
 - 2. Administration Directives every three years
 - 3. Equipment Directives every four years.
- C. IPMs will be reviewed on an annual basis if not incorporated into Directive.
- D. Directives will be provided to affected employees' bargaining units before going into effect.

- E. Directives will be provided in electronic form utilizing a division authorized secure web-based document management system (DMS).
- F. Employees will acknowledge receipt and review of a directive through an electronic signature process utilizing a username and password unique to that employee. To the extent practical, new or significantly changed directives will be reviewed with officers by their immediate supervisor. Staff will contact their supervisor with any questions regarding a directive. Digital signature records will be maintained by the DMS. Managers and supervisors will have access to their employee's directive review and digital signature records within the DMS. Staff will have 10 working days from the date of directive review notification in which to review and acknowledge with a digital signature.
- G. Directives remain in effect until repealed, superseded, or amended whether or not they have been reviewed.

VII. ORGANIZATION OF DIRECTIVES

- A. Directives are organized into the following general categories:
 - 1. Administration
 - 2. Operations
 - 3. Equipment
- B. Directives will be given an alphanumeric identifier
 - 1. The first character in the identifier is a letter indicating the general subject category, e.g., A=Administration; O=Operations; E=Equipment.
 - 2. The alpha character is followed by a number indicating a specific directive under the general category, e.g., A-1
 - 3. The last two characters indicate the year in which the directive was issued, e.g., O-9-06 (a directive concerning Operations issued in 2006).

VIII. INTERIM POLICY MEMORANDA

Interim Policy Memoranda (IPM) provide amendments to directives while a more complete revision to a directive is pending or provide new direction until the associated directive is revised, or a new directive is approved. IPMs have the same policy, procedure, or rule authority as a directive.

- A. IPMs will be distributed and stored via DMS.
- B. IPMs will be identified and numbered by the directive being modified or created,
e.g. A-1-2014 would be A-1-2014 IPM 2016-01 (if the IPM was issued in 2016).
- C. An IPM will be repealed by the associated revised directive or new directive.

IX. MEMORANDUM'S OF DIRECTION

In addition to directives and IPMs, Memorandums of Direction (MOD) will be issued under certain circumstances. MODs will primarily be issued to address matters which will not be addressed in a formal directive. MODs may form policies, procedures, or rules as listed in section I above just as formal directives and IPMs.

- A. MODs will be distributed through DMS to employees of the division.
- B. MODs will be identified and numbered as follows:
 - 1. Memos will be designated by the year followed by the sequential number e.g. MOD 2014-#01
- C. MODs will be maintained by DMS and in effect until it is replaced or repealed.

By Authority of:

**COL Rodmen Smith
Division Director
Division of Enforcement**

A-01-24

APPENDIX A

DIRECTIVE DRAFTING/REVIEW

I. PROCEDURE

The Director will designate the directive drafting and implementation process. The Director may use this process for Interim Policy Memorandums and Memos of Direction.

Suggestions for new directives or amendments to existing directives shall be forwarded to the director through the chain of command. The Division Management Team will consider suggestions and periodically determine what new directives, and amendments to existing directives, are necessary and shall implement the process for drafting and review. At this time, the DMT shall identify what resources, personnel and processes will be necessary to draft and finalize a particular directive. Time constraints, subject matter of the directive, etc. may require departing from the general process outlined below.

II. INITIAL DRAFTING

The Director will assign the initial drafting on new directives and amendments to existing directives. The directives writer will conduct necessary research and analysis to prepare a first draft of the directive.

III. LEADERSHIP REVIEW AND COMMENT

The first draft of the directive or amendment will be provided to the Director. The Director will send copies or provide access to the draft directive to the leadership team and other persons with expertise in the subject matter of the directive for review and comment.

IV. Bargaining Unit REVIEW

The Director will forward a copy of the final draft each of the bargaining units' President for comment. The normal comment period will be 10 working days. Comments will be compiled by the respective bargaining unit President and provided to DMT for consideration.

V. DIRECTIVE REDRAFT

The Director will consider the comments received for possible incorporation into the redraft of the directive. The Director will forward the redraft as necessary.

VI. DMT REVIEW

The Director will present the DMT with a review of the redraft of the directive.

VII. OFFICIAL RECORD AND DISTRIBUTION

An electronic version of the directive signed by the Director will be filed in DMS for distribution to staff.