



Minneapolis Police Department Policy and Procedure Manual

Number:
9-100

Volume Nine – Enforcement Policies

Adult Stops, Searches, and Seizures

9-101 Stops, Searches, Citations, and Arrests Guiding Principles

(xx/xx/xx)

I. Purpose

The Minneapolis Police Department (MPD) recognizes that the short- and long-term consequences of a criminal charge, citation, or arrest can be substantial. When actions are unjust, discriminatory, or harassing, they erode public trust and legitimacy, compromise member and community safety, and undermine MPD's ability to effectively partner with the communities it serves.

Ensuring that contacts, detentions, searches, citations, and arrests are lawful is a fundamental responsibility of law enforcement and must be carried out in a non-discriminatory manner with care, respect, and full recognition of people's humanity, dignity, and civil rights.

II. Stop, Search, Citation, and Arrest Guiding Principles

MPD stop, search, citation, and arrest guiding principles are:

- [A] Lawful interactions
- [B] Distinct and separate actions
- [C] Duty to de-escalate
- [D] Use of discretion
- [E] Non-discriminatory policing
- [F] Procedural justice and professional policing
- [G] Gender appropriate search practices

A. Lawful Interactions

Members shall conduct every interaction, from initial engagement to the conclusion of the interaction, in a manner that complies with the United States and Minnesota State Constitutions, federal, state, and local laws (including the Minnesota Human Rights Act), and MPD policy. This includes the requirement that searches must generally be conducted pursuant to a warrant, as detailed in P&P 9-110 and P&P 9-300.

B. Distinct and Separate Actions

1. Voluntary contacts, field interviews, investigative detentions, traffic stops, weapons pat-downs, searches, citations, and arrests are all distinct and separate actions, and each is governed by different legal and policy standards.
2. The reasonable articulable suspicion (RAS) that may serve as the justification for an investigative detention of a person by police does not automatically justify a weapons pat-down or a search. Members must have separate RAS that the person is armed and presently dangerous to conduct a weapons pat-down (P&P 9-106) or search.
3. The nature of an interaction may change based on evolving circumstances during an encounter. For example, a voluntary contact may lawfully transition into an investigative detention if members develop RAS through new information or observations. All interactions must remain grounded in objective, legally justifiable factors, ensuring the interaction aligns with legal and policy standards.

C. Duty to De-Escalate

Sworn members have a clear affirmative duty to de-escalate and use de-escalation techniques and tactics whenever feasible, to minimize the need to use force, resolve incidents without the use of force when possible, and to increase the likelihood of voluntary compliance with legitimate and lawful orders. Members' duty to de-escalate continues throughout the entire encounter. (P&P 7-802)

D. Use of Discretion

Members are authorized and expected to use discretion in a reasonable manner consistent with the mission, vision, values, and goals of MPD (P&P 0-102). Members' experience and knowledge should guide them in exercising proper judgment and discretion in situations not specifically addressed by Department rules and regulations. When exercising discretion, members must always adhere to the following principles in the course of their employment with MPD:

1. All investigative detentions, traffic stops, citations, arrests, searches, and seizures of property by members shall be based on a standard of RAS or probable cause (PC) in accordance with the Fourth Amendment of the U.S. Constitution, Section 10 of the Minnesota State Constitution, Minnesota statutes, and MPD policies (such as P&P 9-100, P&P 9-200, and P&P 10-400).
2. Members shall use the least intrusive response necessary under the circumstances to:
 - a. Notify the person of the violation.
 - b. Stop the violation.
 - c. Deter similar future harm to the public (when applicable).

3. Members shall prioritize problem-solving approaches, including the critical decision-making model (P&P 7-801), where they may be effective in resolving such violations. For example, a warning is generally preferable to enforcement action unless such a warning has been or would reasonably be ineffective in protecting public safety or addressing significant community disorder.
4. Members must be able to articulate specific facts, circumstances and conclusions that support RAS or PC for any enforcement actions taken.

E. Non-Discriminatory Policing

1. Non-discriminatory policing is essential to maintaining public confidence in the legitimacy of MPD's mission, vision, values and goals (P&P 0-102). Except as provided below (and in accordance with P&P 5-104), members shall not consider a person's protected class status, or substitutes for, or stereotypes of race or national origin, to any extent or degree, when taking, or refraining from taking, any law enforcement action. This includes pedestrian and vehicle stops, investigations, arrests, investigative techniques, and establishing either RAS or PC.
2. When making law enforcement decisions, including during investigative detentions (including traffic and vehicle stops) and investigations, members may consider a person's protected class status only if the demographic descriptors are part of a specific and detailed suspect description tied to a time and place that refers to a person with a particular demographic category and that includes other appropriate non-demographic identifying factors. This consideration must be based on credible and recent information that links specific unlawful or suspicious activity to the person or group, as part of an ongoing criminal investigation. (P&P 5-104)

F. Procedural Justice and Professional Policing

1. Members shall follow procedural justice and professional policing principles during all contacts, including during stops, detentions, weapons pat-downs, searches, citations and arrests. Members shall apply the LEED model principles of Listen, Explain, Equity, and Dignity during all interactions (P&P 5-109):
 - **Listen:** Listen actively and allow people to share their perspective during the encounter.
 - **Explain:** Provide clear and understandable explanations for a member's actions and decisions, explain what the person can or cannot do, and explain what is going to happen.
 - **Equity:** Ensure police actions are fair, free of bias, and demonstrate consideration of the person's input.
 - **Dignity:** Treat everyone with respect and dignity, regardless of the situation.
2. Primary contacting members shall introduce or identify themselves by rank, last name, and agency during interactions as soon as reasonable, practical, and safe, and explain the

- reason for the encounter unless providing this information will compromise the safety of members or other people.
3. Members shall address, and in documentation refer to, people using names and pronouns appropriate to their gender as expressed or clarified by the person.
 4. If asked and if feasible, members should clarify whether they are giving a lawful command or making a request.

G. Gender Appropriate Enforcement Practices

In accordance with P&P 7-3001, transgender, gender queer, and non-binary people shall be treated with the courtesy and dignity inherently due to every person. No person shall be subject to more invasive, humiliating, or demeaning treatment than other people in the field or in police facilities during any contact, including stops, detentions, weapons pat-downs, searches, citations, and arrests.

III. Accountability

A member's failure to engage with the public consistent with any of the above guiding principles may subject them to disciplinary action.

Glossary

Arrest: Taking a person into custody, which may be imposed by force or may result from a person submitting to a member. An arrest is a restraint of greater scope or duration than an investigative stop or detention. An arrest requires probable cause that a crime was committed or is being committed. This includes booking, citing in lieu of booking, and releasing pending charges.

Field Interview: A voluntary contact during which a member may ask questions or try to gain information about possible criminal activity while making it clear that the person is free to leave and not obligated to answer the member's questions.

Investigative Detention: If a reasonable person under the circumstances would believe they are not free to leave, but that person is not under formal arrest, an investigative detention has occurred (sometimes known as a pedestrian, vehicle, or traffic stop), based on reasonable articulable suspicion that the person stopped is committing, is about to commit, or has committed a crime, petty misdemeanor, or traffic offense. See P&P 9-104 for factors that may affect whether a person would believe they are free to leave. See P&P 9-105 regarding investigative detention requirements.

Primary Contacting Member: A member who initiates and leads contacts during enforcement interactions.

Probable Cause (PC): Where an objective assessment of the articulable facts and circumstances, taken as a whole and known to the member at the time, would lead a reasonable member to believe the following:

- To effectuate an arrest or issue a citation: That a particular person has committed or is committing a specific crime or a traffic violation.
- To search: That evidence of a specific crime, contraband, or a person subject to arrest is located in a particular place.

Probable cause (PC) requires stronger evidence and greater certainty than reasonable articulable suspicion, and cannot be based on mere speculation or a simple assertion of criminal activity.

Reasonable Articulable Suspicion (RAS): A well-founded suspicion based on specific, objective, articulable facts taken together with the member's training and experience that a person has committed, is committing, or is about to commit a crime. Reasonable articulable suspicion (RAS) cannot be based on mere speculation or a simple assertion of criminal activity. See P&P 9-103 for more information on RAS.

Search: Sometimes called a "full search," a search is an inspection, examination or viewing of people, places, or items in which a person has a legitimate expectation of privacy, based on a warrant (P&P 9-301) or an exception to the warrant requirement (P&P 9-110). A search may be physical, visual, informational, or virtual.

- A **physical search** could include grasping, prying into or manipulating persons or objects (e.g., reaching into a purse or pocket, feeling inside of the trunk of a car; physical manipulation of a duffel bag, etc.).
- A **visual search** could include during a lawful traffic stop, a member observing the interior of a vehicle from the outside. If the member notices something in plain view, such as an open bottle of alcohol or a weapon, this constitutes a visual search.
- A canine sniff may constitute a search and as such be subject to the requirements in P&P 9-301 and P&P 9-110 (also see P&P 7-807 Authorized Use of Canines).
- Collecting someone's DNA from their person is a search.
- An **informational** or **virtual search** could include searching of certain types of paper or electronic records for information.

Vehicle Stop: The involuntary detention of a vehicle and the driver or the occupants of the vehicle.

Vehicle Stop- Criminal Investigation: Stopping a vehicle based on reasonable articulable suspicion (RAS) that the driver or occupants are committing, are about to commit, or have committed a crime. This is a type of investigative detention.

Vehicle Stop- Traffic Violation: Stopping a vehicle for a traffic violation which the member has probable cause to believe occurred.

Voluntary Contact: A consensual and non-investigative encounter between a member and a person, with the intent of engaging in a casual or non-investigative conversation (e.g., chatting with a local business owner or resident). The person is free to leave or decline any request by the member at any point.

Weapons Pat-Down: Also known as a “frisk” or “terry frisk,” a weapons pat-down is a brief, non-probing running of the hands over the outside of a person's clothing, without manipulating objects, based on reasonable articulable suspicion (RAS) that the person is armed and presently dangerous. See P&P 9-106 for more specific information.