



Minneapolis Police Department Policy and Procedure Manual

Number:
9-100

Volume Nine – Enforcement Policies

Adult Stops, Searches, and Seizures

9-104 Consensual Contacts: Voluntary Contacts and Field Interviews (xx/xx/xx)

I. Purpose

The purpose of this policy is to establish clear guidelines for conducting consensual contacts and field interviews in a manner that respects a person's constitutional rights, ensures voluntary participation, and promotes accountability and transparency in all community interactions. This policy aims to distinguish consensual encounters from detentions, ensure members understand legal thresholds, and reinforce the importance of professionalism, fairness, and community trust during all non-custodial interactions.

II. Policy

A. Voluntary Contacts

Voluntary contacts, such as business checks, shall be conducted in a friendly, professional manner. Most voluntary contacts do not require any written documentation or body worn camera (BWC) recording (see P&P 4-223 for activation requirements). If the member seeks information about a suspected crime, the voluntary contact becomes a field interview.

B. Field Interviews

Although field interviews do not rise to the level of an investigative detention or arrest, community members may interpret them as inherently coercive because they are conducted by law enforcement.

Members shall ensure field interviews, including those involving witnesses, meet the following requirements:

1. Legitimate purpose

A member may initiate field interviews only for legitimate law enforcement purposes, including the investigation of criminal activity or to further enforcement activity.

2. Person is free to leave

- a. A field interview is a consensual encounter. A person is entitled to decline to be interviewed. If they agree to be interviewed, they are free to end the field interview at any time and refuse to answer the member's questions.
- b. Members shall inform the person that they do not have to respond to questions, and they are free to leave. If a person refuses to answer questions during a field interview, members must permit them to leave and not coerce the person to stay.
- c. If a person asks a member whether the person is free to leave or whether they can decline to answer questions, then the member shall respond yes.
- d. A person's refusal to stop, refusal to answer questions, decision to end the encounter, or choice to walk or run away, cannot be used as the basis for establishing reasonable articulable suspicion (RAS) or probable cause (PC), or restricting the person's ability to leave (P&P 9-105).
- e. Members are prohibited from intimidating, harassing, or coercing people during field interviews (including by threatening a citation or other enforcement action).
- f. Members shall not engage in conduct that would lead a reasonable person to believe they are not free to leave and must provide identification, respond, or comply with a member's directive.

Whether a person would feel free to leave or decline a member's request at any point depends on the totality of the circumstances surrounding the contact, including but not limited to:

- Number of members present.
- Physical contact with the person.
- Whether the member's language or tone of voice suggests that compliance with their request is required (for example, stating "you must answer my questions" or "refusing to cooperate means you're guilty of something").
- Display of a weapon.
- Blocking the person's path or vehicle.
- Whether the member orders, demands, or compels action by the person.
- Use of emergency lights by the member.

3. Member introduction and explain the purpose of the encounter

Before asking any questions, members shall introduce themselves by stating their rank, last name, and agency, and explain the purpose of the encounter (P&P 5-109), unless exigent circumstances require gathering information immediately.

Members shall also ensure that each person involved in the interaction is provided with a victim assistance card (“blue card”) or similar card. The card must include:

- The member’s first and last name.
- The member’s badge number.
- The case control number associated with the interaction and any related documentation.

4. Identification requests

- a. People are not required to carry any means of identification, nor are people required to identify themselves or account for their presence in a public place.
- b. Witnesses shall not be compelled to provide identification, solely because they are a witness to a crime. If asking a person to identify themselves, members shall inform the person that providing identification is voluntary.

5. Activate BWC

In accordance with P&P 4-223, BWC activation is required at the beginning of all field interviews.

6. Initiate a call for service

In accordance with P&P 7-103, a call for service shall be initiated for a field interview.

7. Duration

The duration of the field interview shall be only as long as reasonably necessary to obtain the information needed.

C. Seeking Witness Cooperation

Witnesses serve an important public duty by helping discover the truth in an investigation. They give their time and, in some cases, may risk their safety to provide evidence. Members shall treat witnesses with respect and in a constitutional manner that protects their rights as a witness.

1. Field interviews and detentions

- a. Witnesses shall not be subjected to an investigative detention or otherwise seized, solely because they are a witness to a crime (regardless of how serious), except pursuant to a warrant or court order.
- b. Approaching a potential witness to ask about their knowledge of an incident is considered a field interview and shall be conducted in accordance with section [II-B].

If at any point during the field interview, members develop RAS and detain the person they shall follow P&P 9-105 regarding investigative detentions.

2. Voluntary statements

Witnesses are not required to answer any questions. If a witness chooses to give a voluntary statement and later decides to stop, they cannot be compelled to continue and are free to leave.

3. Fostering voluntary cooperation

Members shall apply the principles of procedural justice during interactions with witnesses (P&P 5-109). Additionally, members can foster voluntary cooperation from a witness by:

- a. Asking for the person's cooperation.
- b. Actively listening to the person and attempting to answer any relevant questions the person may have.
- c. Offering information on what will happen next.
- d. Providing transportation as necessary (P&P 9-111).

4. Interview location

- a. If a community member witness (not an MPD member) consents to an interview, an investigator may request that the interview be done in a monitored and recorded interview room, if applicable to the situation.
 - i. If an off-scene interview is not feasible or applicable, or if the witness prefers, the interview shall be conducted on scene (such as inside or outside a squad).
 - ii. If conducting an interview off-scene, the investigator shall arrange for transportation to and from the interview location, as needed by the witness. See P&P 9-111 for search requirements when transporting in MPD vehicles.
 - iii. Investigators shall ensure the witness has access to restrooms, water, or other necessities, as the situation allows.

5. BWC activation

In accordance with P&P 4-223, BWC activation is required for any contact with a witness, subject to the exceptions listed in the BWC policy such as recording in MPD interview rooms and requests made by the person to turn off the BWC.

6. Witnesses who are minors

In addition to the requirements in this policy, members shall also refer to P&P 8-201 Engaging with Minors for additional procedures specific to witnesses who are minors.

D. Report Writing

Members who interview or identify witnesses shall document the interviews and information gathered in the Police Report, including identifying information collected.

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.

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.

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.