



Minneapolis Police Department Policy and Procedure Manual

Number:
9-100

Volume Nine – Enforcement Policies

Adult Stops, Searches, and Seizures

9-105 Investigative Detentions

(xx/xx/xx)

I. Purpose

The purpose of this policy is to establish clear guidelines and procedures for conducting investigative detentions in a manner that is lawful, ethical, and respectful of a person's rights. This policy ensures that all personnel understand the legal standards governing investigative detentions, including the requirement of reasonable articulable suspicion (RAS), and outlines appropriate practices to promote accountability, transparency, and public trust in the investigative process.

II. Policy

A member may stop a person if they have RAS that the person is committing, has committed, or is about to commit a criminal offense. Members shall not stop any person unless they have developed the necessary RAS, as articulated in P&P 9-103, and may only detain the person for as long as necessary to carry out the original purpose of the stop.

III. Legal Considerations for Investigative Detentions

A. Legal Considerations

1. Consent searches prohibited during investigative detentions

Members shall not search a person or a vehicle based on consent when the person is detained during an investigative detention or traffic stop. Members may only search a person or a vehicle during an investigative detention or traffic stop if there is a basis for the search other than consent.

2. Reasonable Articulable Suspicion (RAS) required

RAS is required for all investigative detentions, as articulated in P&P 9-103.

3. Length of detention

Members shall only detain people for as long as necessary to complete the tasks related to the reason for the detention or related to any RAS of criminal conduct uncovered during the detention. If an investigative detention goes beyond the scope or time necessary to

confirm or dispel the RAS that was the basis for the detention, then it becomes an arrest and must be supported by PC.

4. Scope of detention

- a. The scope of the detention must be tied to the original basis for the detention.
- b. Members shall limit questions to those relevant and necessary to resolve the member's suspicions.

5. Actions that may convert a detention into an arrest

Actions that may indicate to a reasonable person that they are being arrested or indefinitely detained, or that further restrict a person's freedom, require additional and specific justification, and may convert an investigative detention into an arrest (based on the totality of the circumstances) which requires PC or an arrest warrant. One or more of these examples may convert an investigative detention into an arrest:

- a. Taking a person's identification or driver's license away from the immediate vicinity.
- b. Ordering a driver or occupant to exit a vehicle.
- c. Directing a person to stand (or remain standing), sit, or lie in any place not of their choosing.
- d. Applying handcuffs.
- e. Transporting a person any distance away from the scene of the initial stop (including for the purpose of witness identification).
- f. Placing a person into a police vehicle.
- g. Any use of force, including displaying or pointing a firearm, or displaying an intermediate weapon.
- h. Performing a weapons pat-down.

6. Cannabis

- a. Members shall not conduct an investigative detention if the sole basis of the detention is the smell of cannabis.
- b. Members shall not initiate a detention or arrest based solely on the following activities, which are lawful for people 21 years of age and older (MN Statute section 342.09):
 - Using, possessing, or transporting cannabis paraphernalia.

- Possessing or transporting in a vehicle (sealed and in its original packaging) up to 2 ounces of cannabis flower, 8 grams of cannabis concentrate, edible cannabis or low-potency hemp products with a combined total of up to 800 mg of THC.

B. Procedures for Conducting Investigative Detentions

1. BWC required

When conducting an investigative detention:

- a. If BWC activation was not already required, members shall activate their BWC as soon as they observe activity on which they base their RAS (and in accordance with P&P 4-223).
- b. Prior to contacting the person or vehicle, members shall state the basis for the detention on their BWC when feasible.

2. Notify dispatch

Members shall notify MECC of the investigative detention, including the following information:

- The location of the detention.
- The number of people being detained, if feasible.
- Whether additional units are needed.
- When safe to do so, a brief basis for the detention.

3. Backup

- a. Members shall determine whether the circumstances justify a request for backup assistance and whether the investigative detention can or should be delayed until such backup arrives.
- b. Members should consider requesting additional members as appropriate; however, they should also be mindful that in some cases the presence of additional members could escalate the situation.
- c. If a member determines that a Behavioral Crisis Response team (BCR) response would be appropriate, members should request that BCR respond to the scene (see P&P 7-803 Crisis Intervention).

4. Member introductions

Members shall introduce themselves by their last name, rank, and agency (P&P 5-109) as soon as reasonably possible unless exigent circumstances require gathering information immediately.

5. Inform person of detention

- a. Members shall inform the person detained, when applicable, that they are stopped, detained, under arrest, or otherwise not free to leave.
- b. Members shall explain the reason for the detention, as soon as feasible after making contact.
- c. Members shall explain what the member is doing while conducting the detention, when feasible.

6. Transport

- a. Members shall not transport a person who is the subject of an investigative detention to another location (including a precinct) for fingerprinting, questioning, or other investigatory purposes, unless one of the following conditions apply:
 - The member has PC to arrest the person.
 - The person requests to speak with members in a different location and is transported for questioning.
 - For the safety of the member or the person who was stopped for questioning.
- b. If a person will be transported, members shall transport the person no farther than necessary, to minimize the duration and intrusiveness of the stop.
 - i. When a transport is requested or necessary, members shall notify a supervisor of the request or the intent to transport.
 - i. When a transport is requested or necessary, members shall document the transport in the Police Report and via BWC.
 - ii. This does not include witnesses and victims who voluntarily consent to being interviewed at a different location (see P&P 9-111).

7. Release of the person

Members shall immediately release a person from an investigative detention if the member no longer has RAS that the person is committing, is about to commit, or has committed a crime, and the member has not developed PC to arrest within a reasonable time.

8. Explain reasons

If releasing a person from an investigative detention, the member shall explain to the person the reason for the initial investigative detention (if not already stated) and the reason for the release, and document the reason in the Police Report.

9. Provide record of the detention

When completing an investigative detention, members shall ensure that each person involved in the interaction is provided with a victim assistance card (“blue card”) or a similar card, if they have not already received one. The card must include the member’s first and last name, badge number, and the case control number corresponding to the interaction and any related documentation.

10. Offer transportation back to initial location

If the person was taken to another location, members should offer transportation to the scene of the initial detention. The person is free to decline the ride offer. If the conditions at the original scene are dangerous for the member or the person, the person should be returned as close as possible to the original location.

11. Report required

- a. Following an investigative detention, the member shall complete a Police Report, and include, if feasible and applicable, the following information:
 - The members’ names and ID numbers specifying the role of each member during the interaction.
 - The date and time of the detention.
 - A central identifying report number (CCN/GO#) to link the detention report to documentation of any related citation or arrest.
 - A detailed, individualized description of the circumstances that led to the investigative detention, including the facts that established RAS for the detention (prior to the detention being made).
 - Approximate duration of the detention.
 - A complete description of the person, including height, weight, hair color, eye color, skin tone, identifying features (e.g., tattoos, scars, etc.), clothing type and color, and any other notable features or descriptors relevant to RAS. This includes the actual or apparent race and/or ethnicity, gender, and age of the person stopped.
 - The location of the detention, including the address or nearest intersection.
 - The outcome of the detention, including whether a citation was issued, an arrest was made, a warning was issued, or the person was released due to the lack of continuing RAS.

- If a weapons pat-down was done, and if so, the specific and articulable facts establishing RAS that the person was armed and presently dangerous and that the pat-down was necessary, and whether anything was identified during the pat-down.
 - If a person was lawfully carrying a firearm, and if so what happened to that firearm.
 - The type of searches conducted and whether each of those searches were discretionary or non-discretionary pursuant to MPD policy and procedure.
 - For any search that was conducted based on PC, the facts establishing PC for the search.
 - If a search was conducted, whether or not a member found any unlawful weapons, narcotics, or other contraband, and the nature of the contraband.
 - If the investigative detention began as a voluntary contact or field interview.
 - If the person was moved from the initial stop location, and if so, where they were taken to and why they were moved from the detention location.
 - If the member received information during the call or the facts that the member observed indicated that a person had or was experiencing behavioral health disabilities.
- b. Members shall not use only boilerplate language when describing the basis for an investigative detention. Members shall use specific and descriptive language individualized to the person stopped and the circumstances of the detention to describe the basis of the contact. The amount of detail required depends on the complexity of the encounter.

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.

Boilerplate Language: Words or phrases that are standardized, “canned” or patterned and that do not describe a specific event, situation or set of circumstances (e.g., “furtive movement,” “suspicious” or “fighting stance”). The use of boilerplate language alone is restricted or prohibited, as described in policy.

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.

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.

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.