



Minneapolis Police Department Policy and Procedure Manual

Number:
9-100

Volume Nine – Enforcement Policies

Adult Stops, Searches, and Seizures

9-111 Searches for Voluntary Transports and Ambulances

(xx/xx/xx)

I. Purpose

This policy describes requirements for brief searches for weapons when providing voluntary transportation of people in squads, to ensure the safety of members and the people being transported. This policy also covers voluntary transportation in ambulances.

See P&P 9-106 for the specific requirements in conducting weapons pat-downs, and P&P 9-110 for information around other warrantless searches.

II. Policy

A. Voluntary Transportation in Squads

1. Consent search for weapons

- a. Before allowing an unauthorized person (such as a person asking for a ride) to be voluntarily transported in a squad, members shall request consent to conduct a brief limited search of their person for weapons (referred to below as a “consent search for weapons”), subject to the exceptions and limitations below:
 - i. This search is not required for providing voluntary transportation to a person who is in immediate danger to life due to circumstances at the scene, weather, or similar emergencies.
 - ii. Members shall not request a consent search for weapons when transporting a victim or witness. The member shall not search the person unless the member has reasonable articulable suspicion (RAS) for a weapons pat-down (P&P 9-106) that the person is armed and presently dangerous, or probable cause (PC) for a search (P&P 9-110).
- b. Members shall not offer transportation for the purposes of requesting a consent search for weapons.

2. Requesting consent to search for weapons

When making the request, the member shall:

- a. Activate their body worn camera (BWC) (P&P 4-223) and explain to the person that the consent search for weapons is requested for safety purposes and that the person has the right to refuse the search and the transportation.
- b. Explain to the person prior to the consent search for weapons that if the member finds anything illegal, the person may be subject to citation or arrest.
- c. If the person does not consent to the consent search for weapons, members shall inform the person that they must provide their own transportation. The person's lack of consent for the search cannot be used as a factor to support RAS or PC (P&P 9-110).

3. Conducting the consent search for weapons

- a. If the person consents to the consent search for weapons and will be transported, and has any bags or containers (large purses, backpacks, etc.) that could contain dangerous items, members shall have the bags or containers placed in the trunk of the squad for the transport and shall not search the items. The member is responsible for ensuring the items are promptly returned to the person at the conclusion of the transportation.
- b. As with a weapons pat-down (P&P 9-106):
 - i. Members shall not place their hands in the person's pockets or reach into an article of clothing unless the member feels an object they reasonably believe is a weapon, such as a firearm, knife, club, or other item that could be used to harm the member or others.
 - ii. The member shall not manipulate an object underneath clothing to determine the nature of the object.
- c. If the person being searched informs members that they possess a lawful weapon, the member shall place the lawful weapon in the trunk for transport. The member shall be responsible for returning the lawful weapon to the person promptly after transportation has been completed.
- d. Members shall ensure their BWCs are activated for all searches conducted, in accordance with P&P 4-223.

4. BWC activation for transportation

Members shall ensure their BWCs and in-car cameras (ICCs) are activated for all voluntary transports under this policy, in accordance with P&P 4-223.

5. Documenting searches and transportation

- a. If no search was conducted, members shall document the transportation and the reasons for it in CAD remarks or the Police Report if one is already being made.
- b. If members conducted a consent search for weapons, a search based on PC, or weapons pat-down based on RAS, they shall document their actions in a Police Report in accordance with P&P 9-106 and P&P 9-110, and shall include the reasons for any transportation given.

B. Transportation in Ambulances

1. Members shall not conduct searches or weapons pat-downs solely due to the person being transported in an ambulance. This does not prevent the ambulance personnel from searching a person based on their agency's policy.
2. Members shall not conduct searches or weapons pat-downs based on consent for people who will be transported in an ambulance.
3. If a person will be transported in an ambulance, members shall not conduct a weapons pat-down unless they have RAS that the person is armed and presently dangerous (P&P 9-106), and shall not search the person unless they have PC or another authorized justification for a warrantless search (P&P 9-110).

Example:

If a person is exhibiting assaultive or violent behavior (which may provide RAS that they are presently dangerous), members may only conduct a weapons pat-down if they have also RAS that the person is armed. This applies regardless of whether the person is being placed on a Transport Hold (P&P 7-803) or will be transported in an ambulance.

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.

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.

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.