



Minneapolis Police Department Policy and Procedure Manual

Number:
9-100

Volume Nine – Enforcement Policies

Adult Stops, Searches, and Seizures

9-113 Supervisory Review of Stops, Searches, Citations and Arrests

(xx/xx/xx)

I. Purpose

Supervisors play a critical role in upholding the humanity, dignity, and civil rights of all people, ensuring that stops and detentions, searches, citations, and arrests (SSCAs) are conducted lawfully, without bias, and in accordance with Minneapolis Police Department (MPD) policy. Supervisory review of SSCA activities is essential to preventing discriminatory practices, promoting accountability, and identifying both individual and systemic areas for improvement. This oversight helps build community trust and ensures that enforcement actions reflect the Department's commitment to fair and constitutional policing.

II. Policy

A. General Requirements

1. Supervisors shall review all reports of SSCA to ensure that all required elements of the report have been completed accurately and thoroughly, and to ensure their subordinates' SSCA activities comply with MPD policy and law.
2. Supervisors are responsible for reviewing any pending SSCA reports by the end of their shift. This includes SSCA reports generated from other shifts in the precinct, off-duty employment (P&P 3-801), and other similar assignments in that precinct. Supervisors shall approve or return the SSCA report for correction by the end of their shift.
 - a. If it is not feasible for the supervisor to review or approve the report, or if the report is submitted after the supervisor leaves, the supervisor from the next shift is responsible for reviewing and approving the report.
3. No SSCA report shall sit in the pending queue longer than 24 hours without a supervisor's review and approval.
4. If all elements of the SSCA report are not completed accurately and thoroughly, the supervisor will send the report back to the member. The member shall make the necessary changes and send the report back to the supervisor before the end of their shift.
5. For every use of force assessed by a supervisor, they shall also assess whether there was proper justification for the SSCA activity pursuant to policy and law and whether the justification was properly documented.

B. Supervisor Responsibility

1. When reviewing SSCA reports, the supervisor shall:
 - a. Ensure that the encounter and law enforcement action taken are constitutional and comply with MPD policies.
 - b. Ensure that documentation is completed accurately and thoroughly.
 - c. Document and report any deficiencies identified during the review, including:
 - i. Investigative detentions that appear unsupported by reasonable articulable suspicion (RAS), including circumstances where members purport to justify the action based on information and evidence discovered after the stop or detention was initiated, or that are otherwise in violation of MPD policy or law.
 - ii. Searches that appear to be without legal justification or are in violation of MPD policy or law.
 - iii. Arrests that are unsupported by probable cause (PC) or are otherwise in violation of MPD policy or law.
 - iv. SSCA activities that, while comporting with law and policy, indicate a need for corrective action or review of agency policy, strategy, tactics, or training.
 - v. Required fields left blank, inconsistencies between fields and the narrative, and inconsistencies within the report. This does not include basic grammatical errors, such as spelling mistakes, or other similar items that can be fixed by sending the report back to the member.
 - vi. The use of only “boilerplate language” or conclusory language, inconsistent information, lack of articulation of the legal basis for the action, or other indications that the reports or forms may contain information that was not accurate at the time it was reported.
 - vii. Lack of clarity with respect to the specific role and involvement of each MPD member, including specifying which member saw or heard information or engaged with or observed a person engaging in a particular manner or completing a particular activity.
 - viii. Reports that do not comply with the SSCA reporting requirements described in P&P 9-105, P&P 9-107, P&P 9-110, P&P 9-112, P&P 9-208, P&P 9-301, and P&P 9-302.
2. If an issue was identified and cannot be resolved, and further review is necessary to properly assess one of the above required elements or any other potential policy or legal

issues, the supervisor shall send the report for review to the shift Lieutenant or another secondary reviewer at the rank of Lieutenant or higher.

- a. The secondary reviewer shall review relevant BWC video and other evidence necessary to complete the review to confirm or correct the supervisor's assessment.
 - i. The secondary reviewer should complete their assessment as soon as possible but shall complete review within 24 hours of the time when the initial supervisor sent the report for further review.
 - ii. If no secondary reviewer is available to review the deficiencies listed above ([II-B-1-c-i-to viii]), or if the designated secondary reviewer cannot complete the review within 24 hours, a secondary reviewer from the next shift at the rank of Lieutenant or higher shall complete it.
3. Supervisors shall take appropriate action to address all apparent violations or deficiencies in a member's SSCA activities, including the deficiencies listed above ([II-B-1-c-i to viii]). Appropriate action may include feedback for growth and improvement for the member, referring the member for training, or referring the incident for administrative or criminal investigation.
 - a. For each subordinate, the supervisor shall track each violation or deficiency, as well as the corrective action taken, if any, in the appropriate data system that will feed into MPD's Early Intervention System (EIS).
4. If an SSCA report lacks sufficient articulation of the legal basis for a law enforcement action, or the supervisor finds a violation, the supervisor shall immediately contact the member to make corrections. If it is determined that a legal basis does not exist, the supervisor shall immediately do the following:
 - a. If the person was tab charged or cited with a petty misdemeanor, contact the City Attorney's Office (CAO) to request dismissal of the charge.
 - b. If the person was booked, arrange for their release from the Hennepin County Jail (HCJ).
 - c. Make notifications to Internal Affairs as required by P&P 2-101.
5. If the reviewing supervisor identifies opportunities for growth or improvement of the member who engaged in the incident, they shall provide the feedback and or make a referral to training within 72 hours of their review of the incident, absent documented exceptional circumstances.
6. If the reviewing supervisor or secondary reviewer is making a referral for training and reporting a violation to Internal Affairs, the supervisor shall inform the Training Division so it can coordinate with Internal Affairs.

7. All policy violations shall be reported in accordance with P&P 2-101.
 - a. This includes the immediate notification requirements for force that appears to be unreasonable or constitutes possible misconduct, and instances of discriminatory policing. In such cases, the reviewing supervisor shall make direct notification to Internal Affairs via duty phone.
8. Supervisors must identify, document and thoroughly review any prohibited, inappropriate, or unreasonable law enforcement activity by their subordinates; failure to do so may result in corrective or 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.

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.

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.