



# Minneapolis Police Department Policy and Procedure Manual

Number:  
9-200

## Volume Nine – Enforcement Policies

### Adult Citations and Arrests

## 9-201 Overview of Adult Citations and Arrests Procedures

(xx/xx/xx)

### I. Purpose

The purpose of this policy is to ensure that Minneapolis Police Department (MPD) members issuing citations or conducting arrests adhere to the stop, search, citation, and arrest (SSCA) guiding principles described in P&P 9-101. The SSCA guiding principles include, but are not limited to:

- Lawful interactions.
- Duty to de-escalate.
- Use of discretion.
- Procedural justice and professional policing.

### II. General Arrest and Citation Procedures

#### A. Probable Cause Required

1. Members may issue a citation or make an arrest only where they have probable cause (PC) to believe the person has committed or is committing a criminal offense or citable offense.
2. PC to arrest or cite must be founded on specific and objective facts or observations about how a person behaves, what the person is seen or heard doing, and the circumstances or situation regarding the person that is either witnessed or known by the member.  
Accordingly:
  - a. PC to arrest or cite must be based on facts or observations about a particular person's actions or the particular circumstances that a member encounters. Mere speculation is not enough.
  - b. The physical characteristics of a person are never, by themselves, sufficient. Instead, those characteristics must be combined with other factors, including a specific, non-general description matching the person or the observed behaviors of the person.
3. PC to arrest or cite may be determined by considering the various kinds of information commonly utilized by police: information obtained from informants, from victims and witnesses, from other law enforcement agencies, or from other MPD members, as well as

first-hand information. Reliability of the information is the key component in determining whether PC exists.

4. PC may be based upon reliable hearsay information alone and need not reflect the direct personal observation of the affiant (member). PC may also be based upon a combination of direct observation and hearsay information.
5. The elements of PC to arrest or cite must exist at the time of the action, and later events or information acquired afterward cannot be used to justify the arrest or citation.
6. Members shall complete a Police Report, which includes documented justification and PC, for all cases involving the issuance of a citation or an arrest (see P&P 4-602 Report Writing). The report shall be completed prior to the end of the member's shift (see P&P 9-208 Submitting Reports for Citations and Arrests).
7. When issuing citations or making arrests, members shall not rely on information they know to be materially false or incorrect. (P&P 5-102)
8. If a member either cites or arrests a person but then discovers that PC to issue the citation or make an arrest does not exist, the member shall immediately release the person from MPD's custody or control.
  - a. If the citation has been issued and the person has left the incident location, the member shall contact the prosecuting authority, inform them that PC does not exist for a charge or charges listed on the citation, and request the citation be dismissed.
  - b. If the person was booked, the member shall immediately contact the detention center and ensure the person is released.

#### **B. Probable Cause Pick-Up**

1. Members shall only conduct a probable cause (PC) pick-up in public spaces.
  - PC pick-ups are authorized by statute and are not warrants.
2. Before making an arrest based on a PC pick-up (as listed in a PC arrest bulletin, which includes the name and contact information of the issuing investigator or member on the case), members shall confirm the PC pick-up on the daily information brief and contact the investigator to ensure it is still needed by the investigator or member on the case.
3. If the person is arrested, the member shall contact the investigator or member on the case to inform them that the person is in custody.

#### **C. Handcuffing Arrested or Detained People**

When applying handcuffs to people who are arrested or detained, members shall follow the requirements in P&P 5-305 and shall also ensure that detained or arrested people be

handcuffed behind the back, unless a physical condition or other circumstances including sickness, injury or disability, does not allow it.

#### **D. Prebook Process**

For all arrests to be booked at the Hennepin County Jail (HCJ), the arresting member is required to complete the Hennepin County Prebook process online. If the Prebook system is down, a paper form shall be completed at HCJ and provided to HCJ personnel.

#### **E. Submitting Evidence to Evidence.com**

1. When submitting evidence via Evidence.com, members shall:
  - a. Select “Attorney Charging and Intake” as the recipient when sharing evidence via evidence.com.
  - b. Select the attorney/paralegal’s name who made the initial case-related information request to be shared unless directed otherwise by the Hennepin County Attorney’s Office (HCAO).
2. If new evidence is discovered after submission, members shall share it with the HCAO as soon as possible.
3. After being notified that a case has been charged, members shall verify that all evidence has been shared. Any unshared materials must be uploaded, and the charging attorney must be notified.
4. A step-by-step sharing guide is available on MPD’s SharePoint page under Manuals and Guides and can be referenced for additional information on sharing evidence via evidence.com.

## **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.

**Mere Speculation:** A hunch, opinion, or gut feeling formed without concrete evidence or specific facts. Mere speculation does not provide a legal basis for investigative detentions, weapons pat-downs, searches, or arrests.

**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.

**Probable Cause Pick-Up:** A warrantless arrest, also called a “PC Pick-up,” made when a member has sufficient evidence or observable facts to reasonably believe that a person has committed a crime. This legal concept allows for immediate detention without a warrant when circumstances strongly indicate criminal activity. A PC pick-up is typically issued by an assigned investigator or member on a case.

**Public Space:** Public settings include but are not limited to parks, sidewalks, streets, and locations of public protests. The right to record also extends to an individual’s home or business, common areas of public and private buildings, and any other public or privately owned facility which is generally open to the public or at which a person has a right to be.

**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.