



Minneapolis Police Department Policy and Procedure Manual

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Volume Nine – Enforcement Policies

Adult Citations and Arrests

9-202 Procedures for Adult Citations and Misdemeanor Arrests (05/29/02) (09/16/04) (09/14/18) (xx/xx/xx)

I. Purpose

The Minneapolis Police Department (MPD) recognizes that an arrest or a citation is not always necessary or preferable. MPD also recognizes that in certain circumstances, law or policy prohibits members from booking a person and requires the issuance of a citation in lieu of arrest. This policy explains the requirements for payable offenses, non-payable offenses, and proper identification when issuing adult citations and making misdemeanor arrests.

II. Procedures/Regulations

A. Payable Offenses

When a member has probable cause (PC) that an offense has or is being committed and the only charge is a payable offense, members may issue a warning, issue a citation, or refer the case to the prosecuting attorney for charging by complaint. If issuing a citation or charging by complaint, members shall not detain a person longer than necessary to issue the citation or refer the case for charging by complaint.

B. Non-Payable Offenses

1. When a member has PC that an offense has or is being committed, and the only charge is a misdemeanor non-payable offense, they cannot book the person unless the offense is a designated misdemeanor or one of the following Rule 6 exceptions exists:
 - a. Booking is necessary to prevent bodily harm to the person or another.
 - b. Booking is necessary to prevent further criminal conduct.
 - c. There is a substantial likelihood that the person will fail to respond to a citation.
2. Members booking under one of the circumstances above must be able to articulate to the court and shall document in their report the reasons why it was necessary to book the person rather than issuing a citation. Members must articulate the specific facts and circumstances and how they support a Rule 6 exception. Supervisor approval is required when booking for Rule 6 exceptions.

3. In addition to the Rule 6 exceptions, booking may also be done when the member found that the person has an outstanding warrant (not including sign and release warrants).
4. If a member is issuing a citation in lieu of booking, they shall not detain the person for longer than necessary to issue the citation.

C. Detaining for Citations and Misdemeanor Arrests

Members shall not detain a person longer than necessary to issue the citation or complete the arrest.

D. Proper Identification

1. Members shall attempt to verify a person's identification prior to issuing a citation or making an arrest.

Proper identification includes, but is not limited to:

- Minnesota DVS database.
- State-issued identification card or Driver's License.
- Consular ID or matricula consular.
- U.S. or foreign passport.
- Identifying information in PIMS.

2. In cases where an arrested person would be cited or charged by complaint in lieu of booking, the following procedures apply if both of these conditions are met:

- The member cannot establish proper identification of the person.

and

- The member has a specific articulable reason to believe the identification information provided is false.

Then:

- a. The member may transport the person to the Hennepin County Jail (HCJ) where IBIS will be used to identify them.
- b. Once the IBIS process is finished, the member shall issue a citation or forward for charging by complaint unless sections [II-D-3] or [II-D-4] regarding warrants apply, and shall also do the following:
 - i. Transport the person back to the original location or if requested, transport the person to another mutually agreed upon location in Minneapolis in the general vicinity of the original location (this can include outside of HCJ), unless the person declines a ride back.

- ii. Contact a supervisor prior to transporting the person to receive approval for the transport.
 - iii. Notify dispatch via radio or computer at the start and end of transport and provide mileage.
 - c. If attempts to identify the person were not successful, including through IBIS, the member shall still release the person after issuing the citation or forwarding for charging by complaint, using the identification that was provided.
 - d. In their Police Report, members shall document the attempts made to identify the person, the reasons for any transport, and any requests for release or transport outside of the original location.
3. In cases where the arrested person is identified and the member discovers any of the following warrants, they shall book the person to HCJ:
- Felony warrant.
 - Gross misdemeanor warrant.
 - Misdemeanor complaint warrant.
 - Misdemeanor bench warrant.
4. In cases where an arrested person is identified and the member discovers a sign and release warrant, the member shall contact the Hennepin County Sheriff's Office (HCSO) to verify if the person can be released with a court date or if they should be booked.

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.

Arrested Person: A person that has been taken into custody, and the restraint and duration are greater than an investigatory stop or detention. This includes people who are arrested and released at the scene, and those who are booked.

Booking: An arrest and transport of a person to a booking (detention) facility such as Hennepin County Jail (HCJ).

Bookable Offense: An offense that meets the criteria for booking into a detention facility. For adults this includes gross misdemeanors, felonies, designated misdemeanors, and non-payable

offenses when a Rule 6 exception applies (P&P 9-202). For minors this includes offenses on the facility's admission criteria list and situations with an offense-level override (P&P 8-304).

Citation in Lieu of Booking: When a member has probable cause (PC) to make an arrest for a bookable offense and issues a citation instead of transporting the person to a detention facility.

Designated Misdemeanor: Misdemeanors that require booking under MN Statute section 629.34 or MN Statute section 169A.40 (see criteria).

Non-Payable Offense: A designated offenses for which a person cannot be booked unless the member has a Rule 6 exception for continued detention.

Payable Offense: A designated offense for which a person cannot be booked and must be released at the scene.

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.

Rule 6 Exception: Evaluation criteria in MN Rules of Criminal Procedure Rule 6 that must be met before a person can be booked for a non-payable misdemeanor offense, when a member believes:

- Booking is necessary to prevent bodily harm to the person or another.
- Booking is necessary to prevent further criminal conduct.
- There is a substantial likelihood that the person will fail to respond to a citation.

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.