

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

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TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: Manual Revision – 10-216 Witnesses			APPROVED BY:

MP-8806

**Introduction:**

Effective with the issuance of this Special Order, Section 10-216 of the MPD Policy and Procedure Manual shall be amended as follows:

**10-216 Witnesses**  
(11/07/22) (xx/xx25)

**I. Purpose**

- A. Witnesses provide an important public duty by helping discover the truth in an investigation. They may be providing their time and, in some cases, may be risking their safety to give evidence.
- B. The purpose of this policy is to ensure that witnesses are approached and handled in a respectful and constitutional manner.

**II. Policy**

**A. Field Interviews and Detentions**

1. Witnesses shall not be subjected to a detention or otherwise seized, solely because they are a witness to a crime (regardless of how serious), except pursuant to a warrant or court order.
2. Approaching a potential witness to ask about their knowledge of an incident is considered a field interview, and shall be conducted in accordance with P&P 9-201.
- 2.3. As with any field interview, a member may request a statement from the witness, but the person is not required to answer any questions or cooperate with law enforcement. Employees-Members requesting to speak to a witness or potential witness shall inform the person that they are not detained and are free to depart at any time. (P&P 9-201)

~~3.1. Investigative stops and other detentions shall follow the search and seizure policies in P&P 9-200. Any investigative detention must be temporary and last no longer than is necessary to effectuate the purpose of the detention.~~

4. If a potential witness was detained in accordance with P&P 9-201, but is determined to not be under suspicion of criminal activity, they shall be informed that their cooperation is voluntary and they are free to depart at any time.

a. Investigative stops and other detentions shall follow the search and seizure policies in P&P 9-200. Any investigative detention must be temporary and last no longer than is necessary to effectuate the purpose of the detention.

## **B. Identification**

1. Witnesses shall not be compelled to provide identification, solely because they are a witness to a crime.
2. Identification can be requested from a witness or potential witness, in accordance with other policies and procedures (such as P&P 9-201), but witnesses cannot be required to provide it.

## **C. Voluntary Cooperation**

Employees-Members can secure voluntary cooperation from witnesses, by applying procedural justice principles (in accordance with P&P 5-1094):

1. Introducing or identifying themselves to the citizen-person and explaining the reason for the contact as soon as practical (P&P 5-1094).
2. Asking for the person's cooperation.
3. Offering information on what will happen next.
4. Providing transportation as necessary.

## **D. Interview Location**

1. If a community member citizen-witness (not an MPD member) consents to an interview, an investigator may request that the interview be done in a monitored and recorded interview room, if applicable to the situation.
2. If an off-scene interview is not applicable, or if the witness prefers, the interview shall be conducted on scene (such as inside or outside a squad).
3. If conducting an interview off-scene, the investigator shall arrange for transportation to and from the interview location, as needed by the witness. See P&P 9-205 for weapons pat-down requirements when transporting in MPD vehicles.
4. Investigators shall ensure the witness has access to restrooms, water or other things they may need, as the situation allows.

### **E. Body Worn Cameras**

Members shall activate their body worn camera (BWC) for any contact with a witness, subject to the exceptions listed in the BWC policy such as recording in MPD interview rooms, requests made by the person to turn off the BWC, etc. (P&P 4-223).

### **F. Minor Witnesses**

In addition to the requirements in this policy, members shall also refer to P&P 8-201 Engaging with Minors for additional procedures specific to witnesses who are minors.

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