



# Minneapolis Police Department Policy and Procedure Manual

Number:  
4-600

## Volume Four – Administrative Procedures

### Specific Report Policies and Procedures

#### **4-612 Field Interviews and Interrogations**

(07/05/01) (09/20/13)

(A)

Field interviews and interrogations shall be conducted with the appropriate regard for constitutional rights and personal dignity. Information gathered from a field interview may be recorded in CAPRS using the offense code "FLDRPT." This code shall not be used in conjunction with any other offense code.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
5-100

## Volume Five – Code of Conduct and Use of Force

### Code of Conduct

#### 5-108 Social Media Sites (12/15/09) (05/24/13) (09/20/21) (09/26/22)

##### I. Purpose

To establish policy regarding employee use of social media sites.

##### II. Definitions

**Content:** Any posts, writings, material, documents, photographs, graphics, videos, links, or other information that is created, posted, distributed, or transmitted via social media.

**Social Media Site:** An internet site or application where users create and share content and participate in online communities and conversations, in the form of a page, profile, account, group or other presence. These include, but are not limited to, blogs, forums, chat sites, Facebook, Twitter, Instagram, Nextdoor, LinkedIn, Reddit, and YouTube. This policy includes emerging new web-based platforms generally regarded as social media or having many of the same functions as those listed.

**Covert Social Media Profile:** A social media site profile created and maintained by an MPD employee, but in a username not associated with the MPD employee, for the purpose of investigating criminal activity.

##### III. Policy

The MPD has a duty to protect the reputation of the organization and its employees, as well as guard against liability and potential legal risk. Therefore, employees are advised of the following:

- A. Employees should exercise caution and good judgment when engaging with social media sites. Employees should be aware that the content of these social media sites can be subpoenaed and used in criminal and civil trials to impeach the employee's testimony.
- A. When engaging with social media sites, employees are subject to all pertinent City of Minneapolis ("City") policies, MPD policies, and local, state, and federal laws regarding public information on arrests, investigations, and personnel data.
- B. This policy supplements the City's Electronic Communications Policy and Social Media Policy.

#### **IV. Procedure/Regulations**

##### **A. Requirements**

Failure to comply with the following may result in discipline, up to and including discharge:

1. This MPD policy on social media sites.
2. The requirements of the City's Social Media Policy and its procedures.
3. Provisions of the City's Social Media Policy's Procedures related to personal use of social media sites.

This includes, but is not limited to, the following clauses:

a. Clause 2

Employees must not use personal Social Media Sites to originate Content as an official form of communication, to speak on behalf of the City, to indicate they are representing the interests of the City, or in a way that could be perceived as official City communication. Always consider how something may be interpreted or understood before posting.

b. Clause 4

The City expects employees to be truthful, courteous, and respectful toward supervisors, co-workers, City residents, customers, and other persons or entities associated with or doing business with the City. When an employee can be identified as someone who does work for the City, they must not engage in name-calling or personal attacks or other such demeaning behavior if the conduct would adversely affect their duties or City workplace. This Section and its limitations apply when the action of the employee adversely affects their work, job duties or ability to function in their position or creates a hostile work environment.

c. Clause 7:

If an employee chooses to identify themselves as someone who does work on behalf of the City on a personal Social Media Site or on a Social Media Site that is not a City-Supported Social Media Site, and posts a personal opinion on a matter related to City business, a disclaimer that is similar to the following must be used:

“These are my own opinions and do not represent those of the City of Minneapolis.”

d. Clause 9:

- i. There may be times when personal use of Social Media Sites that are not City-Supported Social Media Sites (even if it is off-duty or using their own equipment)

may affect or impact the workplace and become the basis for coaching or discipline.

Examples of situations where this might occur include, but are not limited to:

- Cyber-bullying, stalking or harassment.
  - Participating in offensive, hateful conduct.
  - When conduct on personal Social Media could be perceived as a conflict with the City’s mission, values, or degrades public trust in the City or its department.
  - Release of City data that is not public.
  - Unlawful activities.
  - Inappropriate use of the City’s name, logo, website URL, or the position or title of an employee or of someone who performs services for the City.
  - Using City-owned equipment or City-time for more than occasional personal use on Social Media Sites that are not City-Supported Social Media Sites, which interferes with one’s ability to do their job.
  - Violation of law, whether federal, state, or local, or violation of a City policy.
- ii. Each situation will be evaluated on a case-by-case basis because the laws in this area are evolving.

#### **B. Authorized City-supported use**

Certain MPD employees may be authorized to use social media sites for MPD-approved public relations and official investigative or work-related purposes. Such use must be approved by Police Administration.

#### **C. Covert use of social media sites**

The MPD recognizes that the use of covert social media profiles can be a useful tool in the investigation of criminal activity.

##### **1. Profile registration**

- a. All covert social media profiles shall be registered with the Commander who oversees the Strategic Information Center (SIC). The information provided shall include:
- The name & web address of the social media site
  - The username and screen name of the covert social media profile, and
  - The MPD employee responsible for maintaining the covert social media profile.
- b. The Commander or their designee shall conduct yearly audits to ensure that the covert profiles are still active.

- c. When a covert social media profile is no longer needed it shall be deactivated or deleted from the social media site, to the extent permitted by the social media site, and the Commander shall be notified.
  - 2. Employee responsibility
    - a. The MPD employee registered as the maintainer of a covert social media profile is responsible for all content posted online under that profile.
    - a. The employee shall maintain their own covert social media profile, and shall not share the access information with other employees, except that:
      - i. The employee shall provide the password to their registered profile upon request from the Commander or their designee or for auditing purposes.
  - 3. No promotion of violence or criminal activity

MPD employees shall not post any information through a covert social media profile that promotes violence or criminal activity.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
7-600

## Volume Seven – Field Operations

### Traffic Law Enforcement

#### **7-605 Chemical Testing – Driving Violations**

(10/05/01) (08/21/03) (09/26/16)

(A-B)

A. When arresting a person for driving/operating a motor vehicle while under the influence of alcohol or drugs, or handling a citizen's arrest for DUI, the arresting officer shall transport the suspect to the Chemical Testing Unit and a certified DMT-G (Data Master Transportable – Gas with fuel cell option) Operator shall offer the suspect a breath test. (11/08/16)

1. The suspect has the right to refuse the breath test.
  - a. The Implied Consent Advisory (PS 01802-09) shall be read before offering the breath test.
  - b. If a breath test has been offered and refused, the refusal is considered a crime under Minn. Stat. 169A.20, subd. 2.
2. If the Chemical Testing Unit is closed, the officer will try to locate a certified DMT-G Operator by contacting MECC.
3. A search warrant shall be secured for a blood test if:
  - a certified DMT-G Operator is not available,
  - the suspect is medically incapable of taking a breath test,
  - the suspect starts a breath test but claims he or she cannot physically complete the test, or
  - evidence indicates the presence of drugs other than alcohol.
4. The suspect is also entitled to have additional testing done by a person of their own choice and at their own expense while in custody.
  - a. The officer shall document the request in the CAPRS report and allow the suspect to use a telephone to make arrangements for alternative testing before transporting to Hennepin County Jail.
  - b. Jail personnel shall be notified that arrangements for alternative testing have been made by the arrested party.
  - c. The alternative test will be conducted at Hennepin County Jail.

B. Special kits are available in the Chemical Testing Unit for taking a blood sample.

1. Blood samples can only be drawn by authorized medical/hospital personnel.
  2. The blood sample must be marked on the outside of the kit box with the case number and the sample shall be deposited in the Chemical Testing Unit refrigerator.
- C.** A Drug Recognition Expert (DRE) should be called when an officer believes a person has been driving/operating a motor vehicle while under the influence of a drug other than alcohol or in addition to alcohol.
1. The officer or Chemical Testing Unit personnel shall contact MECC to request a DRE.
  2. If no DRE is available in the city, MECC will request a DRE from another agency (i.e., Minnesota State Patrol or University of Minnesota).
  3. If no DRE is available from another agency, MECC will contact an off-duty Minneapolis DRE from the callback roster to respond.
- D.** In all cases, including testing of juveniles, the testing officer shall conduct a videotaped interview. This will include videotaping the reading of the Implied Consent Advisory.
1. After completing the videotaped interview and DRE evaluation (if requested), the officer shall complete the identification process and:
    - Issue a citation and release the individual to a responsible person; or
    - Issue a citation and transport the individual to a detoxification facility; or
    - Process the individual through the Hennepin County Detention Center.
    - If a DRE evaluation was completed and/or a blood specimen taken on a DUI, request a Release Pending Complaint (RPC). When completing the Authority to Detain form, officers must write on the form "RPC - DRE Case."
    - DRE evaluation forms will be forwarded to the office of the Minneapolis City Attorney. This includes those partial evaluations not completed because of arrestee refusal to finish the evaluations.
- E.** Driver's License Revocation
1. For arrested persons who refuse testing or for arrested persons who take the breath test with a .08 or more result (.04 or more for commercial vehicle driver), the officer shall clip the non-photographed corner of the person's driver's license to invalidate the driving privileges. (11/08/16)
    - a. When clipping the license, the officer shall ensure all descriptive information remains intact.
    - b. The officer shall complete the State Notice and Order of Revocation form (PS 31123-10) and return the corner clipped license to the arrested person.

2. If only a blood test is given, the officer shall return the license to the arrested driver **without clipping the license**. It is the responsibility of the Minnesota Department of Motor Vehicles to act upon the test results.
3. If the arrested person has an out-of-state Driver's License, **do not** clip the license. The officer shall complete the Minnesota Notice and Order of Revocation and return the license to the arrested person.
4. The State Notice and Order of Revocation form shall also be completed for arrested persons not having a driver's license, however the officer shall write "**Not a Driver's License**" on the top of the form.
5. In all cases, the original top copy of the Notice shall be given to the arrested person and the remaining copies will be left in the Chemical Testing Unit along with all other associated paperwork. Chemical Testing Unit personnel will forward the paperwork to the Records Unit.





# Minneapolis Police Department Policy and Procedure Manual

Number:  
7-800

## Volume Seven – Field Operations

### Tactical Response

#### 7-807 Authorized Use of Canines

(05/21/96) (02/16/23)

##### I. Purpose

Police canines are valuable assets to the MPD because of canines' superior sense of smell, hearing, agility and loyalty. Use of canines requires adherence to procedures that properly control their use and to channel their specialized capabilities into legal and ethical law enforcement tools.

##### II. Definitions

**Apprehension:** When a police canine physically engages a suspect in an effort to take them into custody.

**Canine Administration:** This includes the Commander of the division overseeing the Canine unit, and the Lieutenant and the Sergeants of the Canine unit.

**Canine Deployment:** Anytime a canine is used outside of training or a demonstration.

**Canine Handler:** A Minneapolis police officer specifically trained to use a canine.

**Canine Team:** Minneapolis police officer trained as canine handler working with a MPD canine.

**Certified (Certification):** An MPD canine team that has passed the United States Police Canine Association (USPCA) Regional Field Trial or another certifying accredited entity approved by the Canine Administration.

**Certifying Entity:** The accredited entity approved by the Canine Administration, that is responsible for setting certification standards and conducting any required trials. Generally, the certifying entity is the United States Police Canine Association (USPCA).

##### Field Trials:

**Regional Field Trial:** The certification field trial conducted and hosted by the approved certifying entity.

**Mini-Trial:** Small-size field trials hosted by agencies, but approved and sponsored by the approved certifying entity.

### **III. Policy**

#### **A. Sole Responsibility of Handler**

The Canine Handler shall be solely responsible for the best practical application and deployment of their dog in all instances.

#### **B. Report to Ranking Officer at the Scene**

1. During operational deployment, the assigned canine handler will report to the ranking officer at the scene.
2. The canine sergeants and canine officers are all active canine handlers.

#### **C. Permissible Uses**

Department canines may be used for the following situations, when the associated conditions in this policy are met:

- Searching for or apprehending suspects.
- Locating missing or lost persons.
- Searching for explosives, narcotics or other evidence.
- Security of MPD and City equipment and property.
- Public relations demonstrations, with the prior approval of the Canine unit supervisor.

#### **D. Prohibited Uses**

Department canines shall not be used for any of the following purposes:

- Crowd control purposes at protests or demonstrations.
- Searching for animals.
- Punitive purposes against suspects.
- For off-duty employment (in accordance with P&P 3-800).

#### **E. Dangerous Situations**

Canines should not be put in dangerous situations needlessly.

### **IV. Procedures/Regulations**

#### **A. Searching For or Apprehending Suspects**

1. Department canines may be used to search for or apprehend a suspect if:
  - a. The canine handler reasonably believes that the individual has either committed or is about to commit a serious offense, *and*

b. Any of the following conditions exist:

- There is a reasonable belief that the individual poses an immediate threat of violence or serious harm to the public, any officer, or the handler.
  - The individual is physically resisting arrest or attempting to evade arrest and the use of a canine is reasonably necessary force under the circumstances to overcome such resistance or prevent the escape of the suspect.
  - The individual is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.
2. When canines are used for apprehensions, handlers shall disengage their canines as soon as reasonably possible after the suspect is able to be controlled or secured.

**B. Warnings**

1. If feasible, a verbal warning shall be given loud enough to be reasonably heard by the suspect or other persons prior to any deployment of a police canine. This warning shall include all of the following:
- The identification of the MPD.
  - That the canine is being released.
  - That the subject is under arrest.
  - That the subject may be bitten by the canine.
2. Circumstances may arise that make it unsafe for a canine handler to give a verbal warning if the handler's safety or the safety of another is jeopardized.

**C. Injuries and Apprehensions**

1. Injuries by a canine
- a. In accordance with P&P 5-301, officers are responsible for ensuring any person injured by an MPD canine receives medical treatment as soon as reasonably possible.
  - b. Officers shall request an ambulance to the scene whenever a person is apprehended by a canine.
  - c. Canine handlers shall photograph all injuries and ensure the images are uploaded in accordance with P&P 10-400.
2. Notify Sergeants of apprehension

The canine handler shall notify the Canine Sergeants immediately after any canine apprehension or accidental bite.

- a. Officers will be debriefed by canine unit supervisors and trainers as soon as possible following notification.

- b. If a Canine Sergeant is not available, another MPD sergeant may be asked to do the force review.

3. Review form

Upon notification of a bite or apprehension, a Canine Sergeant will complete the K-9 Unit Apprehension Review form (MP-9090) and will send it electronically to the members of the review panel.

4. Injuries to a handler or canine

- a. The handler shall notify a Canine Sergeant immediately if the handler or canine suffers a serious injury requiring immediate treatment.
  - b. If a canine is injured in the Line of Duty, the handler shall complete a report using the code K9ASLT.

5. Handler unable to command canine

All officers shall consider the following course of action in the event a handler is injured and unable to command their canine:

- a. Request another Canine Handler or Canine Sergeant to the scene, or
  - b. Place the Canine Officer's squad car near the injured Officer, and:
    - i. Command the Canine to "kennel," or
    - ii. Lure the canine into the back of the squad with one of the Canine toys in squad car such as a Kong, Tug Toy or Bite Sleeve commonly stored in the rear of the Canine squad car.

#### **D. Building Searches**

1. Using a canine to search a structure minimizes risk to officers. Regular patrol units should not search a structure if a canine unit is responding.
1. In addition to the other conditions in this policy, the following requirements apply to building searches for a suspect:
  - a. Before the canine is deployed, the handler will attempt to ensure the area is clear of civilians and police personnel.
  - b. Canine handlers shall give verbal warnings inside a building prior to deployment, if tactically feasible.
  - c. Canine handlers shall repeat warnings in large or multi-level buildings as necessary and as feasible.

- d. Canine handlers shall not routinely search buildings on alarm calls where there is no evidence of forced entry. If officers determine a canine search is necessary, the canine should remain on a lead.

### **E. Area Searches**

In addition to the other conditions in this policy, the following requirements apply to area searches for a suspect:

1. If a suspect has fled and is to be tracked using a canine:
  - a. Personnel at the scene shall secure the scene until the arrival of the canine team.
  - b. All personnel shall stay clear of the area where the suspect was last seen.
2. While the canine is being used, all personnel except those assigned to assist the handler shall stay away from the handler and the canine. Personnel shall not do things that will distract the canine.
3. The canine shall remain on a long lead during area searches, whenever it is reasonable and does not jeopardize officer safety.

### **F. Narcotics Searches**

1. Officers must have a reasonable, articulable suspicion that narcotics are involved before conducting a narcotics search using a canine. Random narcotics searches are prohibited.
2. Any MPD canine used for narcotics detection shall have completed the MPD Canine Narcotics Detection Training Course.
3. Any MPD canine used for narcotics detection shall be narcotics certified by the approved certifying entity.
4. The canine handler shall complete a statement about the search in the offense report any time narcotics are located by a canine.

### **G. Explosives Searches**

1. Any MPD canine used for explosives detection shall have completed the MPD Canine Explosives Detection Training Course.
2. Any MPD canine used for explosives detection shall be explosives certified by the approved certifying entity.
3. In the event of a bomb threat, the procedures in P&P 7-800 shall be followed.
4. If a canine is used for an explosives search, the handler will determine the most practical way to proceed.

5. The MPD Bomb Squad shall be called if a suspicious device is found. A canine will not be used if a suspicious device is found, unless requested by the Bomb Squad.

#### **H. Searching For Lost or Missing Persons**

1. Canines may be used to track or search for non-suspects, including but not limited to, lost children, missing persons, or individuals who may be disoriented or in need of medical attention. The canine handler shall determine the canine's suitability for such assignments based on the conditions and on the abilities of the canine.
2. In addition to the other conditions in this policy, the following requirements apply to searching for or tracking non-suspects:
  - a. Absent a change in circumstances that presents an immediate threat to officers, the canine or the public, such deployments shall be conducted on-lead or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, once located.
  - b. Throughout the deployment, the handler should periodically give verbal assurances that the canine will not hurt or bite the individual and should encourage the individual to make themselves known.

#### **I. Canine Handler Duties and Responsibilities**

1. The canine handler shall be responsible for the best practical application and deployment of their dog in all instances.
2. When a canine is not involved in a police function, the handler shall secure the dog in the police vehicle.
3. Canine handlers shall keep their canine secure while inside of their vehicle.
  - a. The emergency alarm temperature monitoring system shall be activated at all times during their shift.
  - b. Handlers shall not allow the kennel divider between the rear cage and front seat of the squad to be open, while the vehicle is occupied by a canine.
4. Canine vehicles shall not be used to detain, interview or transport suspects or arrestees without the prior approval of a supervisor. Canine vehicles should not be used to transport witnesses or injured persons unless emergency circumstances exist.
5. The canine will be kept on a lead in areas where the public has ready access, unless the dog is being used for a specific police purpose.
6. The handler shall notify a Canine Sergeant immediately if they are ordered to perform in a way that may be contrary to policy or to unit training.

7. The handler is responsible for the health, care and feeding of their canine. The handler shall not permit anyone other than the handler, their immediate family or authorized personnel to care for or feed the canine.

#### **J. Canine Sergeant Duties and Responsibilities**

1. The Canine Sergeant shall immediately remove a canine team from service that fails to certify through the approved certifying entity's regional field trial, and shall ensure the team demonstrates competence prior to returning to service.
2. Canine Sergeants have the authority to remove any Canine Team from service immediately if the supervisors determine the canine team does not perform satisfactorily. Canine teams that certify through an approved field trial but demonstrate weakness in control areas will be removed from patrol work for retraining.
3. The Canine Sergeant shall handle canine-related issues and concerns as directed.
4. The Canine Sergeant shall organize and facilitate critical incident debriefing involving canine teams.

#### **K. Training**

1. All patrol canine teams will be required to certify annually through an approved regional field trial.
  - a. Any canine team that fails to certify through an approved regional field trial will be removed from service immediately.
    - i. The team will not be returned to service until completing retraining and then demonstrating competence in all areas of patrol work.
    - i. The team will be required to participate in the next available approved regional field trial, or an approved mini trial if there is no regional trial available.
    - ii. Any canine team that fails to certify in two consecutive approved regional field trials, or fails an approved mini trial after failing an approved regional field trial, will be removed from the Canine Unit after the situation is reviewed by the Canine Administration.
2. All patrol canine teams shall be required to train their canine in either explosives or narcotics detection within one year of graduating from the twelve-week MPD Basic Patrol Canine School, and shall certify their canine in their detection specialty annually through a Detection Certification Course from the approved certifying entity.
3. Handlers shall ensure all handler and canine training is documented, in accordance with P&P 2-501.



**Minneapolis Police Department  
Policy and Procedure Manual**

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**Volume Eight - Juveniles – Policies and Procedures**

**Juvenile Administrative Procedures and Search and Seizure**

**8-104 MECC and Parental Notification of Detained or Arrested Juveniles**  
(12/14/07) (10/07/08)

(A-D)

When juveniles are transported to any MPD facility or to a hospital for medical treatment, the transporting officer(s) shall notify MECC in order to prevent a Missing Person Report from inadvertently being taken. The transporting officer(s) shall ensure a reasonable attempt is made to notify the parent/legal guardian as to the juvenile's status.

It shall be the responsibility of the investigator/investigative unit to notify the parent/legal guardian, when a juvenile is received by them from officers. Juvenile Detention Center, Juvenile Supervision Center and MPD Juvenile Unit staff will attempt notification for juveniles admitted to their respective facilities.





# Minneapolis Police Department Policy and Procedure Manual

Number:  
8-100

## Volume Eight - Juveniles – Policies and Procedures

### Juvenile Administrative Procedures and Search and Seizure

#### 8-106 Juvenile Search and Seizure

(10/07/08) (07/01/11) (10/10/22)

##### A. DNA Collection from Juveniles

###### 1. Secure search warrant

- a. Search warrants shall be secured for DNA collection from the person of juvenile suspects or arrestees, whenever feasible.
- b. The officer who executes a search warrant for DNA collection from the person of a juvenile suspect or arrestee shall ensure a reasonable attempt is made to notify the parent or legal guardian immediately after executing of the warrant.
  - i. The notification may be made by telephone, in person, or by going to the juvenile's home.
- c. Consent for a DNA collection shall only be sought for suspects in exigent circumstances.

###### 2. Consent for DNA collection

Consent for DNA collection from the person of any juvenile suspect or arrestee, shall adhere to the following requirements.

- a. Adult consent required
  - i. A juvenile suspect or arrested person cannot waive their rights and consent to a DNA collection from their person without first being allowed to engage in a meaningful consultation with an attorney or an informed parent or guardian.
  - ii. Any collection of DNA from the person of a juvenile suspect or arrested person via consent shall require consent from both the juvenile and the adult.
- b. Documenting consent
  - i. Consent from both parties shall be recorded on body worn camera, when applicable (in accordance with P&P 4-223). If body worn camera recording is not applicable, the consent shall be audio recorded.
  - ii. Consent from both parties shall be documented in the Police Report.

**B. Search of a Premises with Parental Permission**

1. A parent/legal guardian may give consent to the search of a room and personal belongings of a minor child living in the home.
2. If the child has an expectation of privacy (because the child is an adult, is paying rent, or for another reason), the parent may not be able to consent to a search of the child's room.

**C. Juveniles on Direct Supervised Probation**

1. Juveniles on direct supervised probation have a signed agreement in accordance with terms of their probation authorizing their probation officer(s) to perform a warrantless search of the juvenile's person and the area under the juvenile's immediate control at any time.
2. Being in the presence of a Juvenile Probation officer does not provide the same authority to an MPD officer.
3. MPD officers shall not use probation officers as their agent to perform warrantless searches.

**D. Searches of School Lockers**

1. Lockers may be inspected or searched by school authorities without a search warrant. School authorities may request to have a law enforcement officer present during the search.
2. If a police officer believes it is necessary to search a locker, authorization from the school principal or a warrant signed by a judge shall be obtained.

**E. Strip Searches of Juveniles**

The strip search of any juvenile shall be done in accordance with P&P 9-201 Search and Seizure.

**F. Taking Custody of a Juvenile not Under Arrest**

1. Curfew and truancy violations

Curfew and truancy violations shall be handled in accordance with P&P 8-200.

2. Statutory limits on taking custody

MN Statute section 260C.175 Subd. 1 states: "No child may be taken into immediate custody except:

(1) with an order issued by the court in accordance with the provisions of section 260C.151, subdivision 6, or Laws 1997, chapter 239, article 10, section 10, paragraph (a), clause (3), or 12, paragraph (a), clause (3), or by a warrant issued in accordance with the provisions of section 260C.154;

(2) by a peace officer:

(i) when a child has run away from a parent, guardian, or custodian, or when the peace officer reasonably believes the child has run away from a parent, guardian, or custodian, but only for the purpose of transporting the child home, to the home of a relative, or to another safe place, which may include a shelter care facility; or

(ii) when a child is found in surroundings or conditions which endanger the child's health or welfare or which such peace officer reasonably believes will endanger the child's health or welfare. If an Indian child is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, the taking of the child into custody under this clause shall be consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1922;

(3) by a peace officer or probation or parole officer when it is reasonably believed that the child has violated the terms of probation, parole, or other field supervision; or

(4) by a peace officer or probation officer under section 260C.143, subdivision 1 or 4.”

Note: there are no exceptions for these limits.

### 3. Protective pat-down searches

When taking custody of a juvenile (child) for a curfew or truancy violation or for one of the other reasons specified in MN Statute section 260C.175 Subd. 1, the following provisions apply (MN Statute section 260C.175 Subd. 3):

- a. “Officers may perform a protective pat-down search of the child in order to protect the officer's safety.
- b. A peace officer also may perform a protective pat-down search of a child in order to protect the officer's safety in circumstances where the officer does not intend to take the child into custody, if this section authorizes the officer to take the child into custody.
- c. Evidence discovered in the course of a lawful search under this section is admissible.”

## **G. Handcuffing, Searching and Transportation of Juveniles in Other Cases**

In situations not described in this policy, juveniles shall be handcuffed, searched and transported under the same rules and procedures as adults.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
8-100

## Volume Eight - Juveniles – Policies and Procedures

### Juvenile Administrative Procedures and Search and Seizure

#### **8-107 Interviews of Arrested Juveniles**

(10/07/08)

(A-D)

All juveniles taken into custody shall be advised of the nature of the crime in which they are suspected. Prior to any in-custody interview, all juveniles shall be advised of their Miranda Rights in Juvenile Miranda format and in accordance with the Scales decision. The child's physical condition, age, intelligence, educational level, prior experience with the juvenile justice system, and ability to comprehend the meaning and effect of statements should be carefully evaluated in each case.

The officer/investigator shall document the interview in a corresponding CAPRS statement.

Officers and investigators may allow a parent/legal guardian to be present during an interview of their child, if the presence of the parent/legal guardian is not deemed to be coercive or inhibiting.

If the juvenile refuses to be interviewed, investigators may re-approach at another time. If the juvenile requests an attorney, all questioning and contact must cease. A juvenile who has consulted with or retained an attorney (i.e. public defender at JDC), can not be contacted without approval of that attorney.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
8-100

## Volume Eight - Juveniles – Policies and Procedures

### Juvenile Administrative Procedures and Search and Seizure

#### **8-109 Fingerprinting and Photographing Juveniles**

(10/07/08)

(A-D)

Fingerprinting and photographing will be done by personnel from the Juvenile Unit, Juvenile Detention Center or the Crime Lab.

- Status offenders shall not be fingerprinted or photographed.
- Juveniles arrested for a misdemeanor shall not be fingerprinted, but may be photographed each time they are arrested in order to maintain a current photo record.
- All juveniles arrested for a gross misdemeanor or felony shall be fingerprinted and photographed. If a juvenile arrested for a gross misdemeanor or felony was not fingerprinted and/or photographed, the arresting officer(s) shall document in their CAPRS report why it was not done.

Fingerprint records of juveniles shall be maintained in the Crime Lab.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
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## Volume Eight - Juveniles – Policies and Procedures

### Juvenile Arrest Procedures

#### **8-301 Booking Criteria for Hennepin County Juvenile Detention Center (JDC)** (10/07/08)

(A-D)

The Hennepin County Juvenile Detention Center (JDC) will accept juveniles ages 10 thru 17 years old only if one or more of the following conditions exist:

- The juvenile is accused of one of the following offenses:
  - Any incident resulting in death
  - Assault (1st, 2nd or 3rd degree)
  - 4th degree assault if the officer requires medical attention at a clinic or hospital
  - 5th degree domestic assault
  - Criminal Sexual Conduct 1st to 4th degree
  - Aggravated or simple robbery
  - Kidnapping or false imprisonment
  - 1st degree arson of a business, dwelling or school, includes explosives, bombs and Molotov cocktails
  - Possession of a firearm
  - Terroristic threats
  - Burglary of an occupied dwelling including attached garage or unoccupied dwelling where dwelling is defined as a home but does not include garages.
  - Fleeing police in a motor vehicle
  - Auto Theft (tampering and joyriding will not be admitted)
  - Controlled substance - possession or distribution (excludes petty offense)
  - Tampering with a witness
  - DUI Offense, MN Statute 169A.40 Subd.3: Certain DUI Offenses, Custodial Arrest.

JDC may be contacted to confirm that the following booking criteria condition(s) exist:

- The juvenile is accused of a new felony offense and is on probation for a previous felony offense or is pending court on a prior, non-property felony offense or auto theft. The juvenile is accused of a new felony and has previously been certified and sentenced by an adult court or is on parole.
- The juvenile is Extended Juvenile Jurisdiction (EJJ), under 18 and has any new charge.

- The juvenile is on court ordered Electronic Home Monitoring and is accused of a new felony or has absented overnight or has substantially violated terms of the court ordered supervision.
- The juvenile has absconded from a correctional facility or a court ordered treatment facility or another jurisdiction's probation or parole supervision.
- The court has issued a warrant for detention.
- The juvenile has violated a Restraining Order and the arresting officer has the RO number and provides it at time of intake.
- The juvenile resides out of Hennepin County and has been arrested for a felony.
- The court has issued a change of venue order on an in-secure custody juvenile placing the juvenile under Hennepin County jurisdiction.



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#### **8-302 Juvenile Misdemeanors and Status Offenses – Over 10 Years of Age** (10/07/08)

(A-D)

Officers may issue a Hennepin County Juvenile Citation (tag) to juveniles over the age of 10 for non-traffic misdemeanors, petty misdemeanors and status offenses, **except** for incidents involving domestic assault or a violation of an Order for Protection (refer to section 8-201 Juvenile Gross Misdemeanor, Felony and Domestic Assault Arrest Procedures).

The juvenile shall be released to a parent or legal guardian. If the juvenile cannot be released to a parent or legal guardian, he/she shall be brought to the Juvenile Supervision Center.

If the juvenile is unable to be identified, officers may transport the suspect to the Juvenile Unit (during office hours), or the Crime Lab (when the Juvenile Unit is closed) to receive assistance with the identification. Officers should contact the Crime Lab prior to transporting the juvenile to ensure personnel are available.

For every Juvenile Citation issued, officers shall complete a corresponding CAPRS report including documentation of whom the juvenile was released to and the citation number. The court copy of the citation shall be forwarded to the Juvenile Unit.

**Note:** Citations are not routinely investigated; they are intended to be complete investigations and must contain all of the information necessary for prosecution and subpoena services.





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#### 8-303 Juvenile Gross Misdemeanor, Felony and Domestic Assault Arrest Procedures – Over 10 Years of Age

(10/07/08)

(A-D)

All probable cause juvenile felony arrests must be authorized at the scene of arrest whenever possible. In the event a supervisor is unable to respond to the scene of the arrest, authorization may be given by radio or telephone by:

- the arresting officer's supervisor;
- an investigator from the concerned investigative unit;
- a supervisor from a neighboring precinct; or
- the on-duty Watch Commander.

Officers arresting a juvenile for domestic assault, violation of an Order for Protection, or a probable cause offense shall have the suspect processed at:

- the Juvenile Unit during office hours;
- JDC when the Juvenile Unit is closed and the juvenile meets JDC booking criteria; or
- the Crime Lab when the Juvenile Unit is closed and the juvenile **does not** meet JDC booking criteria. (Officers should contact the Crime Lab prior to transporting the juvenile to ensure personnel are available.)

When a juvenile is booked at JDC for a crime of violence, a Victim Information/Notification Form (HC-11551) must be completed. These forms are available at JDC.

If the juvenile does not meet JDC booking criteria and the Juvenile Unit is closed, officers may conduct a Scales interview regarding the incident.

The juvenile shall be released to a parent or legal guardian. If the juvenile cannot be released to a parent or legal guardian, he/she shall be transported to the Juvenile Supervision Center.

If the arrested juvenile requires medical attention, refer to Section 8-208 Injured or Incapacitated (Under the Influence) Juveniles.



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#### **8-304 Juvenile Suspects – Under 10 Years of Age**

(10/07/08)

(A-D)

According to Minnesota State Statutes, juveniles under the age of 10 cannot commit a crime.

This means that juveniles under the age of 10 cannot be:

- arrested;
- issued a citation;
- placed in secured detention at the Juvenile Unit or JDC;
- fingerprinted or photographed.

Juveniles under the age of 10 may be detained to conduct an investigation.

Juveniles under 10 years of age shall be taken into custody if a parent/legal guardian cannot be located. Officers shall contact First Response to determine where the child can be placed. A CAPRS report shall be completed for the offense, to include whom the child was released to and/or the facility that the child was transported to.

Cases in which a juvenile under 10 years of age is listed as a suspect will be referred to the Hennepin County Attorney's Office with an accompanying Hennepin County Attorney "Delinquent Under 10 Referral Form". These forms can be obtained through the Juvenile Unit or Hennepin County Attorney's Office.



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#### **8-305 Juveniles – Warrant Checks, Warrants and PC Pick Ups**

(10/07/08)

(A-D)

Anytime a juvenile is detained or arrested, officers shall check the juvenile for NCIC wants and local warrants. Officers may contact MECC or JDC Intake for local warrant checks. Juveniles taken into custody for a warrant and no other offense should be transported to JDC or other facility as directed on the warrant. Officers shall complete a CAPRS report coded WT.

In circumstances which juveniles are found to have an outstanding warrant from another county, officers shall contact JDC to determine where the juvenile will be placed.

Adults found to have an outstanding Hennepin County juvenile warrant (as the only offense) shall be booked at JDC. Officers encountering adults found to have an outstanding juvenile warrant from another county should contact JDC Intake to determine what facility the individual will be transported to. Officers shall complete a CAPRS report coded WT.

When a juvenile is arrested for a PC Pick-Up, prior to transport, the arresting officer(s) shall attempt to contact the appropriate investigative unit. If the investigative unit cannot be reached, the juvenile shall be transported directly to JDC. Officers will complete the JDC Authority to Detain form and note the original offense, not PCPKUP. Officers shall generate a new CCN and complete a CAPRS report coded PCPKUP. The original CCN shall be referenced in the "Related CCN" data field. In addition, the arresting officer(s) shall notify the Transcription Unit to cancel the PC Pick-Up.



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**8-306 Arrest or Detention of Injured or Incapacitated Juveniles in Need of Medical Attention**

(04/01/93) (04/24/07) (10/07/08)

(A-D)

Any juvenile needing medical attention or evaluation shall be transported directly to the HCMC Emergency Room or other area hospital, if necessary. This policy includes those who: (04/24/07)

1. Have ingested or are suspected of ingesting drugs or other dangerous substances.
2. Are under the influence of drugs or alcohol.
3. Have observable physical injuries that may require medical attention; are requesting medical treatment; or if officers have reason to believe that medical attention is needed. (04/24/07)
4. Display signs of mental illness and/or are considered to be a danger to themselves or others. (04/24/07)

**Note:** A juvenile taken to the hospital for only medical care and no other offense can be released to a parent/legal guardian by the hospital.



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#### **8-306.01 Juveniles Under the Influence and Juvenile Low-Level Offenders in Need of Medical Attention**

(10/07/08)

(A-D)

Juveniles who do not meet JDC booking criteria (refer to section 8-301 JDC Booking Criteria) and juveniles in need of medical care may be released to a parent/legal guardian after medical treatment if:

1. The juvenile is clear of warrants/Juvenile Apprehend & Detain order
2. The juvenile can be properly identified.
3. The juvenile is not a danger to himself/herself or others.
4. Arresting officers obtain supervisor approval
5. Arresting officers notify the appropriate investigative unit, if applicable/when possible.

Officers shall complete a CAPRS report indicating that the juvenile was brought to HCMC (or other area hospital) for medical evaluation and that authorization was given to the medical facility to release the juvenile to a parent/legal guardian after completion of treatment. Officers are not required to stay with the juvenile until a parent/legal guardian arrives.

If the juvenile is transported to the Juvenile Supervision Center (JSC) following medical evaluation or treatment, appropriate medical release forms (provided by the hospital) must accompany the juvenile when he/she is admitted to JSC.

Should officers become aware of underlying circumstances which necessitate placing the juvenile on a 72-Hour Health and Welfare Hold, officers shall place the hold in accordance with section

8-205 Health and Welfare Holds – Juveniles.

In all cases, officers shall make a reasonable effort to have all gross misdemeanor and felony offenders photographed and fingerprinted (refer to section 8-109 Fingerprinting and Photographing of Juveniles).



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#### **8-306.02 Juveniles to be Booked JDC in Need of Medical Attention**

(10/07/08)

(A-D)

If the juvenile meets JDC booking criteria, appropriate medical release forms (provided by HCMC upon completion of medical treatment/evaluation of juvenile) must accompany the juvenile before he/she is admitted into JDC. It shall be at the sole discretion of the JDC Supervisor or Nursing staff whether a juvenile should be seen at HCMC, as there may be other factors not listed above. (04/24/07)

In regards to intoxicated juveniles, JDC policy states:

“The Admissions Juvenile Correctional Officer shall not accept custody of juveniles referred to detention who appear to be intoxicated from alcohol, drugs or inhalants, but shall direct the referring agent to HCMC’s Emergency Department. Juveniles who appear intoxicated from alcohol shall submit to a breath analysis test. Those juveniles that register .090 or higher, or refuse to submit to a breath analysis test shall be denied admittance to detention and the referring agent directed to HCMC’s Emergency Department”.

The preliminary breath test (PBT) will be administered by JDC. (04/24/07)

If a juvenile is admitted to the hospital for an extended period of time, the precinct of the arresting officers shall be responsible for providing a guard until the juvenile can be taken to JDC, or until otherwise properly relieved.

**Note:** After the juvenile has been charged he/she is then under the authority of the county at which time JDC or the Hennepin County Sheriff’s Office will take over guard duty.



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**8-307 Juvenile Traffic Offense**

(10/07/08)

(A-D)

When a juvenile is charged with a petty misdemeanor or misdemeanor traffic offense, officers shall issue a Uniform Citation. The court copy of the citation shall be placed in a “Traffic Violations” box and the other citation copies shall be distributed as indicated.

Juvenile traffic offender(s) properly identified at the scene of a traffic stop may be issued a citation and released.

If a juvenile traffic offender is unable to be identified officers may transport the suspect to the Juvenile Unit (during office hours) or contact the Crime Lab via telephone (when the Juvenile Unit is closed) to receive assistance with the identification. The juvenile shall be released to a parent/legal guardian or taken to the Juvenile Supervision Center.



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#### **8-307.01 Juvenile Driving Under the Influence (DUI)**

(10/07/08)

(A-D)

When placing a juvenile under arrest for Driving Under the Influence (DUI), officers shall:

1. Process the juvenile for DUI (refer to section 7-605 Chemical Testing – Driving Violations).
2. Transport the juvenile to HCMC for medical evaluation (refer to sections 8-306, 8-306.01, and 8-306.02 Juveniles in Need of Medical Attention).
3. After a proper identification of the juvenile has been made, release pending complaint to a parent/legal guardian. **Note:** 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> degree DUI may be booked JDC.
4. Complete a CAPRS report.





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#### **8-308 Mass Arrests of Juveniles**

(10/07/08)

(A-D)

When a group of 10 or more juveniles is arrested and in need of processing by the Juvenile Unit, the officer in charge of the scene shall be sure that the Juvenile Unit is notified as soon as possible.



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#### 9-101 Felony Arrests – Adults

(05/29/02)

(A-B)

All probable cause adult felony arrests must be authorized at the scene of arrest whenever possible. In the event the supervisor is unable to respond to the scene of the arrest, authorization may be given by radio, telephone or MDT/MDC. The probable cause felony arrest may be authorized by:

- The arresting officer's supervisor, or
- An investigator from the concerned investigative unit/division, or
- Any other supervisor

Supervisors will add their remarks via MDT/MDC to indicate their approval of probable cause and also whether they made the approval at the scene or via radio/telephone or MDT/MDC.

Arrests made on the basis of warrants or PC pickups do not require supervisor's approval.

Prior to transporting arrestees to Hennepin County Adult Detention Center (HCADC), officers should consider a debriefing session. Arrestees shall be taken to HCADC for processing unless requested to be transported to the concerned investigative unit.

The Authority to Detain form (HC 6377) shall be completed. The approving supervisor's name and badge number must be listed in the remarks section of the Authority To Detain form. The name of the supervisor approving the arrest and continued detention of the suspect must be included in the narrative section of the CAPRS report.

The original will be left at the HCADC and the carbon copy shall be given to the Police Typist to accompany the CAPRS report. The 36-Hour Expiration Advisory (HC 6400) shall be completed. In order to comply with the Supreme Court imposed 48-Hour Rule, officers shall note the exact time of arrest. The time of arrest is not when the suspect was booked or when the reports were made. The original 36-Hour Expiration Advisory shall be left at HCADC and the carbon copy will be forwarded with the case to the appropriate investigative unit.

Arrests for criminal sexual conduct (CSC), including PC Pick-ups, require an officer to complete a Criminal Sexual Assault Victim Notification form (HC 6170).



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#### **9-101.01 Felony and Gross Misdemeanor Arrest Report Requirements Public Information – Judicial Probable Cause**

(05/29/02)

(A-B)

For felony and gross misdemeanor arrests, the following guidelines apply:

In Supplement Zero (0) of the CAPRS data entry screen, a pre-written prompt entitled "Public Information" appears. Following this prompt, officers are to briefly detail an incident/arrest. No names, addresses or any other information that would identify a victim or witness shall be entered in this section of the report.

The next prompt is the Judicial Probable Cause Oath statement. Following this prompt, officers shall write approximately one to two paragraphs detailing the probable cause for the arrest.

Supplement One (1) of the CAPRS report shall describe the entire incident in detail.

In cases of an arrest based on a PC arrest bulletin (PC Pick-up), officers shall attach a PC Pick-up to the CAPRS report. Copies of the PC Pick-up may be obtained from the Transcription Unit's file or MPD Net.

After administering a written or oral oath, peace officers can sign a written report of another officer for the purpose of providing probable cause for the underlying arrest.

Officers shall swear to and sign their Judicial Probable Cause statement in front of an MPD notary. Peace Officers can sign a Probable Cause statement written by another officer for the purpose of providing probable cause for arrest.

MPD notaries shall witness the swearing and signing, and after such fact, shall sign the statement with their signature, license number, and the date their license expires.

The senior officer making the arrest is responsible for making sure all Probable Cause statements are notarized.

Transcription Unit staff shall distribute the signed and sworn statements to the Criminal History Unit during weekend and holiday hours and to the investigative units during normal work hours.

Criminal History staff shall fill out the court form and attach it to the arrest report.

This policy also applies to felony arrests of juveniles and to gross misdemeanor arrests.



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#### **9-102 Gross Misdemeanor Arrests – Adults**

(05/29/02)

(A-B)

Supervisor approval is not needed for gross misdemeanor arrests. All other felony arrest procedures apply to gross misdemeanor arrests.



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#### 9-103 Misdemeanor Arrests – Adults

(05/29/02) (09/16/04) (09/14/18)

(A-B)

##### A. Non-Payable Offenses

1. Adult misdemeanor violators shall be issued citations in lieu of arrest *unless* the officer believes that one of the following circumstances exists:
  - a. To prevent bodily harm to the accused or another.
  - b. To prevent further criminal conduct.
  - c. There is a substantial likelihood that the accused will fail to respond to a citation.
  - d. The officer has found that the accused has an outstanding warrant (not including Sign and Release warrants).
2. Officers making an arrest under one of the circumstances listed above must be able to articulate to the court and shall document in their report the reason(s) why it was necessary to arrest a person rather than issuing a citation.

##### B. Payable Offenses

When the only misdemeanor charge is a payable offense, officers shall either issue a citation or refer the case for a complaint.

##### C. Proper Identification

1. 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
2. In cases where a citation would be issued in lieu of arrest, and
  - The officer cannot establish proper identification of the accused person, *and*
  - The officer has a specific articulable reason to believe the identification information provided is false;

- a. The officer may transport the accused person to the Hennepin County Jail and the jail will use IBIS to identify them.
  - b. Once the process is finished the officer shall issue the citation or forward for charging by complaint, *and*:
    - i. Transport the person back to the original location; *or*
    - ii. If requested, transport the person to another mutually agreed-upon location in Minneapolis in the general vicinity of the original location; *or*
    - iii. If requested, release the person outside the Hennepin County Jail.
  - c. If the person was not identified through IBIS, the officer shall still release the person after issuing the citation or forwarding for charging by complaint.
3. Officers shall document the attempts made to identify the individual, the reasons for any transport, and any requests for release or transport outside of the original location.



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#### **9-104 Arrests for Driving While Intoxicated (DWI)**

(05/29/02)

(A-B)

When suspects are arrested for DWI, they shall be taken to the Chemical Testing office, Room 19, for testing and video taping procedures. Suspects may be released after testing and issued a citation if they meet the conditions for issuing a citation in lieu of arrest.



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**9-104.01 Arrests for Crimes of Violence**

(05/29/02)

(A)

Minn. Stat. §629.72 requires that victims of crimes of violence be notified of an arrested person's release. Domestic assault victims must also be notified of other relevant case information.

In order to comply with these laws, officers shall complete a Crime of Violence/Attempt Crime of Violence Information Form (HC 6194). This form shall be left at HCADC when the suspect is booked.

When a juvenile is booked at the Juvenile Detention Center for a crime of violence, a Victim Information Form must be completed. The forms are available at the Juvenile Detention Center.





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#### **9-105**      **Arrest Reports/Adult Detention Center** (05/29/02)

(A)

MPD is required to provide HCADC with a copy of the arrest report. Arrest reports are automatically routed to HCADC via the CAPRS system.

In the event that the CAPRS system is down, arrest reports shall be entered off-line and printed. Officers shall deliver a photocopy of the arrest report to HCADC.



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#### **9-106 Citations in Lieu of Arrest and Arrest Reports**

(05/29/02) (03/17/03)

(A)

A CAPRS report must be completed when a citation is issued for the following:

- A non-traffic offense;
- A traffic offense charged in connection with an accident;
- Any citizen's arrest;
- Driving after Revocation (DAR);
- Driving after Suspension (DAS);
- Driving after Cancellation (DAC);
- On charges of DWI, Careless Driving, Reckless Driving or any violation of the Open Bottle law.

Note: See Volume 8 for procedures for handling Juvenile traffic, criminal and status offenses.



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#### **9-107 Citizen's Arrests**

(05/29/02)

(A-B)

Citizen arrests for misdemeanor crimes can only be made when the crime was committed in the complainant's presence.

Citizens making arrests must complete a Citizen's Arrest Form (MP-3406). Security personnel from businesses that make arrests on a regular basis may be allowed to use the standard CAPRS offense report instead of the Citizen's Arrest form.

Officers shall determine whether the circumstances justify taking the accused into custody. If officers feel that the arrest is illegal, the officer shall refer the complainant to the City Attorney's Office.

If the accused is to be taken into custody, officers shall verify the identity of the complainant and assist in completing the Citizen's Arrest Report. Complainants should be advised that the City Attorney will notify them if a formal complaint is needed.

Note: See Manual Section for Citizen's Arrest - Traffic Violation.



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#### 9-108 Arrest or Detention of Injured Adults

(05/29/02) (05/19/08) (06/13/14)

(A-B)

- A. Adult arrestees, who are in need of medical attention and are not cleared for booking by EMS or jail staff shall be transported to Hennepin County Medical Center (HCMC) or to a local hospital for medical evaluation and treatment.
- B. Arrested subjects who have a high probability of requiring hospitalization, including those with known or suspected drug ingestion, shall be brought to HCMC whenever possible.  
Note: HCSO's contract is with HCMC and they prefer to take custody of arrestees at HCMC.
- C. Officers are responsible for the custody of their arrestees while receiving medical attention.
- D. If an injured arrestee is delayed at the hospital longer than the arresting officers are able to wait, officers shall contact a supervisor. Hospital personnel or hospital security will not hold or guard an arrestee.
- E. Officers shall retain custody of arrested felons needing medical attention until the arrestee can be transported to HCJ.
- F. In the case of felony arrestees admitted to the hospital, the arresting officers shall notify their on-duty supervisor, who shall then contact the on-duty jail supervisor to arrange for relief.
- G. Officers assigned to the precinct where the arrest was made shall have custodial responsibility until properly relieved by the Hennepin County Sheriff's Office (HCSO).



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**9-109 Handcuffing Arrestees/Detainees**

(05/29/02)

(A-B)

All detainees/arrestees shall be handcuffed behind the back, unless a physical condition or other circumstances including sickness, injury or disability, does not allow for it. Handcuffs should also be double locked as soon as possible. Prisoners being transported to HCADC shall be handcuffed. Prisoners shall be handcuffed whenever taken outside the confines of the jail, except when handcuffing would deter the completion of an investigation.

Plastic handcuffs may be used to supplement standard handcuffs in emergency situations. They may also be used in mass arrest situations and are available in all sergeants' vehicles. Plastic handcuffs should not be used in felony arrests or for restraining mentally ill individuals.



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#### **9-110 Prisoner Control, Safety and Transportation**

(05/29/02) (07/19/18)

(A-B)

- A. When feasible, a two-officer squad shall be used to transport a felony prisoner.
- B. One-officer squads may transport misdemeanor prisoners.
- C. When feasible, a two-officer squad shall transport an arrestee of the opposite sex.
  - 1. Officers transporting an arrestee of the opposite sex shall give MECC their destination and odometer reading.
    - a. Officers shall immediately notify MECC of any delay.
    - b. Upon arrival at their destination, officers shall notify MECC.
- D. All prisoners shall remain within sight of the transporting officers at all times until the custody of the prisoner is transferred to a responsible authority, except in emergency situations.
- E. Transporting officers are responsible for ensuring the safety of their prisoners.
  - 1. Prisoners shall be secured with fastened seatbelts during transport in any vehicle equipped with seat belts.
    - a. If the vehicle is not equipped with seat belts in the transportation area, officers shall document in their report the lack of seat belts and the reason(s) that particular vehicle was used for the transport.
    - b. If circumstances prevent officers from safely securing the prisoner, the prisoner will be transported unsecured. The officers must document the specific reason(s) for the unsecured transport in their report.
  - 2. Transporting officers shall not stop or interrupt prisoner transport responsibilities unless exigent circumstances exist and the risk to the prisoner is minimal.
  - 3. Under no circumstances shall a prisoner be transported in the prone position. (06/13/14)
- F. When transporting prisoners to a detention facility, officers shall comply with MPD rules, regulations and requirements until the prisoner is secure within the destination facility.

Officers will then comply with the rules, regulations and procedures of the receiving facility.  
(06/13/14)

**G.** Once the subject is secured, an officer shall watch for any of the following signs: (06/13/14)

- Significant change in behavior or level consciousness;
- Shortness of breath or irregular breathing;
- Seizures or convulsions;
- Complaints of serious pain or injury; and/or
- Any other serious medical problem.

**H.** If officers observe any serious medical issue, they shall immediately contact EMS or transport directly to a local hospital. Officers shall also notify a supervisor. (06/13/14)

**I.** In the event of a prisoner escape during transport, the transporting officers shall immediately do the following:

1. Notify the dispatcher of the event and location.
2. Attempt pursuit if possible.
3. Notify a supervisor or proper jurisdictional authority of the escape.
4. Complete the original arrest report, noting the escape from custody.



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#### **9-111 Legislative Immunity**

(05/29/02)

(A)

Officers shall observe legislators' privilege from arrest as set forth in the State of Minnesota Constitution, Article IV, Section 10:

"The members of each house shall in all cases, except treason, felony, and breach of the peace be privileged from arrest during the session of their respective houses, and in going to or returning from the same."





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#### 9-112 Diplomatic and Consular Immunity

(05/29/02)

(A)

Under international and federal law, diplomatic and consular officials are granted varying degrees of immunity and personal inviolability (i.e. freedom from arrest, detention, search etc.) depending on the position they hold. However, the privilege of personal inviolability must be balanced with the responsibility of the United States and its government bodies to protect the safety of its citizens. Police authorities may intervene to the extent necessary to halt activity that poses imminent danger to the safety of the public or when it is apparent that a serious crime may otherwise be committed.

1. Diplomatic agents, family members recognized as part of their household, and members of their administrative and technical staff and their households enjoy full immunity from arrest, detention, criminal prosecution, and search of their person, property or residence.
2. Members of their service staff have no privileges or immunities except for immunity from prosecution for acts related to performance of their official duties. Family members of the service staff have no privileges or immunity.
3. Family members of diplomatic agents who are also U.S. citizens have no privileges or immunities. Staff members or their families who are U.S. citizens or permanent residents of the U.S. have no privileges or immunities.
4. Consular officials, their families and staffs have no privileges or immunity related to arrest, detention, or search and seizure. The only exception is that career consular officers enjoy immunity from arrest unless the arrest is pursuant to a felony warrant.

The only authoritative document that can reliably identify a diplomatic or consular official is the identity card issued by the Department of State, Protocol Office. Other documents such as foreign diplomatic passports, U.S. diplomatic visas, tax exemption cards, or vehicle registration issued by the State Department do not conclusively indicate the diplomatic status of an individual. Officers presented with this type of identification should assume that the suspect might have some degree of immunity and attempt to verify further the diplomatic status of the suspect.

The on-duty Watch Commander must be notified of any incidents involving diplomats or consular officials. These incidents must still be fully documented on the CAPRS reports. The federal government, acting through the State Department may be able to take corrective action against foreign diplomats who violate U.S. criminal law.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
9-100

## Volume Nine – Enforcement Policies

### Adult Arrests

#### 9-113 Arrest and/or Detention of Foreign Nationals

(05/29/02)

(A)

It is the obligation of the United States, including local municipalities, to notify foreign authorities when foreign nationals are arrested or otherwise detained.

If a foreign national is arrested or detained, the following must be done:

1. Immediately inform the foreign national of his/her right to have his/her government notified concerning the arrest or detention.
2. If the foreign national asks that such notification be made, do so without delay by informing the consulate or embassy.
3. In the case of certain countries, such notification must be made without delay regardless of whether the arrestee/detainee so wishes. The Operations Development Unit and MECC have a copy of the Foreign Consular Offices in the United States that contains all pertinent phone numbers for Consular/Embassy offices. These are:

- Algeria
- Antigua and Barbuda
- Armenia
- Azerbaijan
- Bahamas
- Barbados
- Belarus
- Belize
- Brunei
- Bulgaria
- China
- Cost Rica
- Cyprus
- Czech Republic
- Dominica
- Fiji
- Gambria
- George
- Ghana

- Grenada
- Guyana
- Hong Kong
- Hungary
- Jamaica
- Kazakhstan
- Kiribati
- Kuwait
- Kyrgyzstan
- Malaysia
- Malta
- Mauritius
- Moldova
- Mongolia
- Nigeria
- Philippines
- Poland (only non-permanent residents)
- Romania
- Russian Federation
- St. Kitts/Nevis
- St. Lucia
- St. Vincent/Grenadines
- Seychelles
- Sierra Leone
- Singapore
- Slovakia
- Tajikistan
- Tanzania
- Tonga
- Trinidad/Tobago
- Tunisia
- Turkmenistan
- Tuvalu
- Ukraine
- United Kingdom
- Uzbekistan
- Zambia
- Zimbabwe

Foreign consular officials have the right to visit their arrested/detained nationals unless the arrestee/detainee objects to such visits.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
9-100

## Volume Nine – Enforcement Policies

### Adult Arrests

#### 9-114 Police Authority in Immigration Matters

(05/29/02) (04/02/18)

- A. The United States Code, 8 U.S.C. §1101, empowers the U.S. Citizenship and Immigration Services (USCIS) and Immigration and Customs Enforcement (ICE), Department of Homeland Security, as the sole authority in immigration matters.
- B. The MPD works cooperatively with all federal agencies, but the MPD does not operate its programs for the purpose of enforcing federal immigration laws. In addition, City of Minneapolis Ordinance §19.30 prohibits undertaking “any law enforcement action for the purpose of detecting the presence of undocumented persons, or to verify immigration status,” except for a narrow exception for enforcing criminal laws such as relating to human trafficking and smuggling where immigration status is an element of the crime.
- C. Officers shall not undertake any law enforcement action for the purpose of detecting the presence of undocumented persons, or to verify immigration status, including but not limited to questioning any person about their immigration status.
  - 1. The **only exception** to this prohibition is when immigration status is an element of a crime. This is a very limited exception and applies only to the types of federal crimes prohibited under 8 U.S.C. §1324, that relate to the crimes of human trafficking and smuggling.
  - 2. When questioning, arresting, or detaining any person under this exception, the officer must articulate and document the reason the officer believes the exception applies.
- D. Officers will take reports for missing, lost or stolen identification cards for foreign nationals in accordance with P&P 4-600 Specific Report Policies and Procedures.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
9-100

## Volume Nine – Enforcement Policies

### Adult Arrests

#### **9-115 Federal Prisoners – Including AWOLs**

(05/29/02)

(A)

For the purposes of this section, AWOL is Absent Without Leave from Military Service. If an officer has a prisoner that they believe has a federal warrant, the officer shall confirm the warrant with Channel 7. The prisoner shall be transported to the Hennepin County Adult Detention Center where the prisoner will be received into custody per Minn. Stat. §641.03.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
9-200

## Volume Nine – Enforcement Policies

### Search and Seizure

#### **9-201 Search and Seizure**

(07/01/11)

(A-D)

##### **I. Purpose**

The purpose of this section is to provide employees with legal guidance in order to conduct lawful searches and seizures. (10/05/16)

The term “officer” is used generically in this section and does not assume a level of rank, such as Patrol Officer. It includes all applicable sworn and non-sworn personnel. (10/05/16)

##### **II. Policy**

**A.** Minneapolis Police Department employees shall conduct searches in as minimally intrusive a manner as possible, adhere to all MPD policies and to the rights given to persons under the United States Constitution and the Minnesota State Constitution.

**B.** Minneapolis Police Department employees shall be responsible for understanding and performing assigned duties in accordance with the MPD’s Search and Seizure Policy. (06/28/17)

##### **III. Procedures / Rules / Regulations**

###### **A. Searching People**

1. An officer may conduct a Terry Frisk of a stopped person if the officer reasonably believes, based on specific and articulable facts, that the person may be armed and dangerous. A Terry Frisk is limited to a pat down of the person’s outer clothing for weapons. (10/05/16)
2. A full search of a person is not justified with reasonable suspicion. Generally, officers can legally conduct a full search of a person without a warrant only in the following circumstances: (01/25/16) (10/05/16)
  - a. Probable Cause and Exigent Circumstances; (01/25/16)
  - b. Search Incident to Arrest;
  - c. Medical Emergency/Life-Saving;

- d. Plain View;
  - e. Consent Search.
3. Searching an Arrestee's Property:
    - a. A custodial arrestee's property (purse, backpack, etc.) shall be searched prior to arrival at any jail, detention center, chemical testing unit, or investigative unit.
    - b. A non-custodial arrestee's property is not subject to search without consent unless reasonable articulable suspicion exists to believe that the individual is engaged in other criminal activity and the personal property may contain a weapon.
    - c. Items property inventoried will be searched according to protocol set forth by the Property and Evidence Unit.
  4. Searching Persons of the Opposite Sex
    - a. When practical, persons should be searched by an officer of the same gender if such an officer is on the scene or can arrive within a reasonable period of time. If the gender of the person to be searched is in question, officers shall ask the person to identify their gender before proceeding with the search.
    - b. Prior to the execution of an arrest or search warrant, where a female officer is likely to be needed, a female officer shall be included in the operation if possible.
    - c. A strip search shall be conducted and witnessed by at least two officers of the same gender as the person being searched.
  5. Strip Searches
    - a. A strip search includes the removal or rearrangement of clothing to permit the visual or manual inspection of any skin surfaces of a person's genitals, buttocks, anus or female breasts.
    - b. Strip Searches may be conducted only in the following circumstances:
      - i. Officers have probable cause to believe that evidence, or contraband exists and will be destroyed or lost in the absence of an immediate strip search; or
      - ii. Officers have probable cause to believe that an immediate search is necessary to prevent imminent danger to the suspect, officer or others.
    - c. The following procedure shall be followed when conducting a strip search, whether the person has been arrested or not:
      - i. Approval shall be obtained from a supervisor at the rank of Lieutenant or above before conducting a strip search. Such approval shall only be given after an on-

scene assessment by the supervisor, unless the circumstances prevent the supervisor from being on-scene. If the supervisor is unable to respond to the scene, they shall document the reason why in a CAPRS supplement. (06/29/16)

- ii. The supervisor approving the search shall be present when the search is conducted unless precluded from doing so by the issue of gender or other circumstances. (06/29/16)
  - aa. If the supervisor who authorized the strip search is prohibited from being present, a supervisor of the same sex as the person to be searched should be present when the search is conducted.
  - ab. If it is not reasonable or possible to have a supervisor of the same sex witness the strip search, the supervisor approving the search shall ensure that at least two officers of the same sex conduct/witness the search. (06/29/16)
- iii. The search shall be performed in a location that affords the suspect privacy from persons not involved in the search. Officers shall be aware that strip searches conducted in the field could require extraordinary measures to ensure the suspect's privacy.
- iv. The supervisor authorizing the strip search shall complete a CAPRS supplement articulating why the search was justified and necessary. The supplement will also explain:
  - Which officers conducted the search;
  - Which officers were present for the search;
  - Where the search was conducted; and
  - How the search was conducted.
  - The reason for the supervisor's absence if the supervisor was unable to conduct an on-scene assessment or be present for the search. (06/29/16)
- v. Nothing stated in this policy shall preclude an officer from immediately recovering a weapon if the officer can articulate that any delay would cause imminent danger to the safety of the officer or others.
- vi. Nothing stated in this policy shall preclude an officer from collecting a urine sample for evidentiary purposes (e.g. DWI).

## 6. Body Cavity Searches

- a. A body cavity search is a search that goes beyond visual or manual inspection of skin surfaces, so that it involves internal physical examination of body cavities, and in some instances, organs such as the stomach.
- b. With the exception of the mouth, body cavity searches shall only be performed by medical personnel, in a medical facility, pursuant to a search warrant or court order.



- c. Exigent circumstances such as the suspect placing illegal narcotics or contraband into their mouth does not require obtaining a search warrant or court order.
  - d. Minimal physical force (which includes low control options such as joint manipulation, pressure points and verbal directions) may be used to recover suspected narcotics from a suspect's mouth. Force used shall not include any strikes or any type of force which restricts breathing or blood flow in the neck.
7. Stopping or Searching People – Documentation  
(10/05/16)
- a. Terry Stops (Investigative Detentions), Terry Frisks, and all other searches (including consent searches) must be justified under the law. Officers shall document the justification for any frisk(s) and/or search(es) conducted.
  - b. Absent exigent circumstances, officers are responsible for knowing certain facts, to include: the name of the person encountered, as well as the reasonable suspicion, probable cause or other circumstances which served as the basis for the officer's actions.
  - c. Documentation should be made via added remarks to the call in CAD (Computer Aided Dispatch) or by another method, unless a CAPRS report and supplement is required.
    - i. Mobile Digital Computer (MDC) (10/05/16)
      - aa. Officers shall document information related to the detention in the Clear Call Disposition/Comments screen of their MDC for the following types of calls:
        - Traffic Stop,
        - Suspicious Person Stop,
        - Suspicious Vehicle Stop,
        - Attempt Pick-Up,
        - Curfew Violation, and
        - Truancy.
      - ab. Officers shall document the following information in their MDC for the required call types:
        - The basis for the stop,
        - The location of the stop,
        - The race of the suspicious person(s),
        - The age of the suspicious person(s),
        - The gender of the suspicious person(s),
        - Whether a person or vehicle was searched, and

- The reasons for any Terry frisk or other search of the person(s) prior to clearing the call.
- d. A strip search of a person always requires a CAPRS report and supplement. All officers who witness and/or conduct a strip search shall complete a supplement.

## **B. Searching Vehicles**

1. Generally, officers can legally search a vehicle in the following circumstances: (10/05/16)
  - a. Plain View;
  - b. Medical Emergency/Life-Saving;
  - c. Probable Cause;
  - d. Protective Weapons Sweep;
  - e. Search Incident to Custodial Arrest (this exception is limited in the context of vehicle searches); (10/05/16)
  - f. Inventory Search;
  - g. Consent Search.
2. Searching Vehicles – Documentation
  - a. If the search of a vehicle results in an arrest or seizure of evidence or contraband, a CAPRS report and supplement shall be completed and the officer must articulate in his/her supplement the legal justification for the search. The supplement shall contain all pertinent information concerning the search including:
    - i. Legal justification for the search;
    - ii. Results of the search;
    - iii. Any damages that occurred;
    - iv. Officers who conducted the search; and
    - v. The name and date of birth of the consenting person (if applicable).
  - b. If damage to property was caused during the course of a search and/or resulting seizure:
    - i. A supervisor shall be notified;

- ii. Photographs shall be taken and property inventoried to document any known damages.
- c. If the search of a vehicle does **not** result in an arrest, property damage or seizure of evidence or contraband, the fact that a search occurred and the legal justification for it should be documented via added remarks to the call in CAD (Computer Aided Dispatch) or by another method.

### C. Searching Dwellings and Buildings

1. A search warrant is always required to search dwellings and non-public areas of buildings, absent consent or exigent circumstances. Without a search warrant, officers may legally search a dwelling or building in the following circumstances:
  - a. Hot Pursuit;
  - b. Protect and Preserve Life;
  - c. To Prevent the Destruction of Evidence;
  - d. Serving an Arrest Warrant;
  - e. Consent Search;
2. Searching Dwellings and Buildings – Documentation
  - a. If the search of a building/dwelling results in an arrest or seizure of evidence or contraband, a CAPRS report and supplement shall be completed and the officer must articulate in his/her statement the legal justification for the search. The supplement shall contain all pertinent information concerning the search including:
    - i. Legal justification for the entry/search;
    - ii. Results of the search;
    - iii. Any injuries that occurred;
    - iv. Any property damages that occurred;
    - v. Officers who entered the property; and
    - vi. The name and date of birth of the consenting person (if applicable) and their relationship to the property searched.
  - b. If the search of a building/dwelling does **not** result in an arrest, property damage or seizure of evidence or contraband, the fact that a search occurred and the legal justification for it should be documented via added remarks to the call in CAD (Computer Aided Dispatch) or by another method.

- c. Officers assigned to a search warrant shall complete a supplement stating their assignment and actions taken if they were responsible for:
- Using force to subdue or detain individuals;
  - Causing damage;
  - Locating, recovering or documenting evidence; or
  - When directed by a supervisor.
- d. If damage to property or occurs during the course of a search and/or the resulting arrest or property seizure:
- A supervisor shall be notified;
  - Photographs shall be taken to document any known damages. (10/05/16)

**Note:** If entry for a search is made forcibly to windows or interior or exterior doors, the report shall be additionally titled FENTRY.

- e. When applicable, officers shall property inventory:
- Photographs documenting damages;
  - Consent to Search form; and/or
  - Audio and/or video recording of consent granted.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
9-200

## Volume Nine – Enforcement Policies

### Search and Seizure

#### 9-202      **Public Recording of Police Activities** (05/05/16)

##### I.    **Purpose**

The purpose of this policy is to acknowledge and protect the constitutional and legal rights of citizens to photograph and make audio and video recordings of Minneapolis Police Department personnel. This policy provides employees with guidance in dealing with situations in which they are being recorded.

##### II.   **Policy**

- A. The Minneapolis Police Department recognizes that members of the general public have an unambiguous First Amendment right to record police officers while they are conducting official business or while acting in an official capacity in any public space, unless such recordings interfere with police activity. Officers should assume that a member of the public is likely to be observing and possibly recording their activities at all times.
- B. Officers shall be aware that recording of people, places, buildings, structures and events is a common and normally lawful activity. If a person is taking photographs or recording from a place where he or she has a right to be, this activity by itself does not constitute suspicious activity.
- C. In areas open to the public, members of the general public have the same right to photograph and record as a member of the media. No person is required to have or display “press” credentials in order to exercise the right to record events, including police activity.
- D. Officers **shall not** tell people that recording police activity is not allowed, requires a permit, or requires an officer’s consent.
- E. The warrantless seizure of material protected by the First Amendment (photos, videos, etc.) will be strictly scrutinized in court, and has a higher standard for reasonableness under the Fourth Amendment.
- F. Employees **shall not** erase or delete, or request any person to erase or delete any files, media or recorded images or sounds from any camera or other recording device that is in possession of any person, or that has been seized or voluntarily turned over. Such action may constitute a violation of the First, Fourth and Fourteenth Amendments.

### III. Definitions

**Police Duties:** Police duties discharged in a public setting may include a range of activities, including detentions, searches, arrests or uses of force.

**Public Space/Setting:** 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 private facility at which an individual has a right to be.

### IV. Procedures/ Regulations

#### A. Responding to Public Recording of Police Activities

1. When an employee observes a citizen taking photographs or audio or video recording in a setting at which that person has a legal right to be present, the employee **shall not**:
  - a. Order that person to cease recording;
  - b. Demand that person's identification;
  - c. Demand that the citizen provide a reason for recording;
  - d. Detain that person for recording or investigation of a recording;
  - e. Intentionally block or obstruct recording devices;
  - f. In any way threaten, intimidate or otherwise discourage an individual from recording.
2. The right to record does not grant a citizen the right to interfere with police activity. A person commits an offense if the person with criminal negligence interrupts, disrupts, impedes or otherwise interferes with a peace officer while the officer is performing a duty or exercising authority imposed or granted by law.
  - a. A person's recording of officers' activity from a safe distance, without any action to obstruct the activity or threaten the safety of an officer, does not constitute interference.
  - b. If a person is recording activity from a position that impedes or threatens the safety of officers or their ability to perform their duties, an officer may direct the person to move to a position that will not interfere. Officers shall not order the person to stop recording.
  - c. If a person is recording activity from a position that impedes or threatens the safety of members of the public, the officer shall direct the person to move to a safe position that will not interfere. Officers shall not order the person to stop recording.

- d. Citizens have the right to express criticism of the police activity being observed. As long as that expression does not jeopardize the safety of any officer, suspect or bystander, and does not violate the law or incite others to violate the law, the expression does not constitute interference.
- e. Arrest
  - i. Any arrest of a person who is recording officers in a public place shall be related to an objective, articulable violation of the law unrelated to the act of recording. The act of recording does not provide grounds for detention or arrest.
  - ii. If safe to do so, officers shall call a supervisor to the scene **before** any restrictive police actions are taken, and the supervisor must approve any related arrest.
  - iii. If an arrest is made prior to supervisor arrival due to exigent circumstances, the arrestee shall not be transported to a holding or detention facility until the supervisor is present and has approved the arrest.
  - iv. An arrest of a person does not provide an exception to the warrant requirement justifying a search of the individual's recording equipment or media. While equipment may be secured incident to an arrest, downloading, viewing or otherwise accessing files or media requires a search warrant.

## **B. Handling of Evidence on a Recording Device**

- 1. Citizens have a high expectation of privacy for the contents of cellular phones and other recording devices. Absent arrest of the recording party, recording equipment shall not be confiscated.
  - a. Officers shall not order an individual to show recordings that have been made of police activity.
  - b. A supervisor must be notified before an officer takes any action involving a person's recording device, including a request for voluntary consent to search or seizure of the device.
- 2. If an officer reasonably believes that evidence of a serious crime has been recorded by a member of the public, the officer shall immediately request a supervisor respond to the scene.
  - a. With approval of the supervisor, the officer may ask the person in possession of the recording if he or she will consent to voluntarily allow the officer to take possession of the recording device or media and process it as evidence.
    - i. The officer shall not, implicitly or explicitly, coerce consent to take possession of any recording device or information it may contain.

- b. If the individual refuses to voluntarily provide the recording or device and the officer reasonably believes that the recording will be destroyed, lost, tampered with or otherwise rendered useless as evidence before a warrant can be obtained, the officer shall notify a supervisor.
  - i. The supervisor will assess the situation and determine whether exigent circumstances exist to permit the seizure of the device without a warrant.
    - aa. Any such seizure must be a temporary restraint intended only to preserve evidence, for no longer than reasonably necessary for the officer, acting with diligence, to obtain a warrant to seize the evidence.
    - ab. A warrant must be obtained in order to examine or copy the recording and the chain of custody must be clearly documented.
    - ac. The recording or device shall be processed as evidence (see P/P 10-400) and a DIMS download station shall **not** be used for retrieval (see P/P 4-217).
- c. In exigent circumstances when an officer reasonably believes that an immediate search of the recording is necessary to prevent death or injury, the officer shall notify a supervisor.
  - i. The supervisor will assess the situation and determine whether exigent circumstances exist to permit the seizure and search of the device without a warrant. The supervisor shall notify the Watch Commander if a search is approved.
  - ii. Photographs, videos or recordings that have been seized as evidence and are not directly related to the exigent circumstances will not be viewed until a search warrant has been obtained.
- d. Any recording devices or media taken into custody shall be returned as soon as practical.
- e. Employees who view or listen to a recording from a citizen, or conduct a forensic examination of the recording or device, shall undertake reasonable efforts to ensure only materials that constitute potential evidence are accessed. Employees will refrain from examining any materials not relevant to the investigation.





# Minneapolis Police Department Policy and Procedure Manual

Number:  
9-300

## Volume Nine – Enforcement Policies

### Warrants

#### 9-301 Search Warrants

(04/08/22) (05/02/22) (07/01/23)

Revisions to prior policies: (06/19/02) (06/12/02) (08/01/02) (08/08/07) (03/11/16)  
(06/29/16) (11/30/20)

##### I. Purpose

- A. The Minneapolis Police Department is dedicated to protecting and serving in a way that minimizes harm and risk to our community and to MPD employees.
1. In accordance with the MPD's vision and the use of force policy (P&P 5-301), officers must recognize and respect the sanctity of life and value of all human life, and the need to treat everyone with dignity and without prejudice.
  2. When seeking and serving warrants, MPD employees must focus on protecting the community from harm, promoting public safety and providing service in a manner that builds trust and meets community expectations.
- B. The purpose of this policy is to ensure that warrants are applied for, planned and served in a manner that protects officers, subjects and the public, and in a manner that upholds laws, the Constitution, and MPD policies.

##### II. Definitions

**Administrative Search Warrant:** A search warrant sent electronically or otherwise involving no in-person contact, or for the processing of evidence already in police custody. Examples of administrative search warrants include, but are not limited to:

- Bank records,
- Cell phone or other phone records,
- Social media and other electronic communications,
- Impounded vehicles,
- Medical records.

**Affiant:** The sworn officer, investigator or sergeant that is authoring the search warrant application and swearing to the facts of the affidavit contained in the application.

**Affidavit:** A written document (statement of facts) confirmed by oath or affirmation.

**Court:** The designated judicial branch having jurisdiction over the location or person listed in the search warrant application and affidavit.

**“High-Risk” Search Warrant:** A search warrant in which known or suspected hazards have been identified and likely might be present during the service of the warrant. The identified hazards are of such significant risk to the safety of individuals that the search warrant exceeds the capabilities of normal patrol and investigative functions. These hazards may include, but are not limited to, suspect factors such as weapon possession and use, and location factors such as obstacles and other approach difficulties.

**“Intermediate-Risk” Search Warrant:** A search warrant with limited potential threat for harm due to the nature and location of the warrant, as well as reasonably believed information about the individuals at the subject location. The potential hazards or risks do not meet the criteria for a “high-risk” search warrant, but may require additional scrutiny or planning. This could include a warrant where a forced entry may be required, and it is unknown if people present are armed.

**“Knock and Announce” Search Warrant:** Under the “knock and announce” rule, a police officer executing a search warrant generally must not immediately force their way into the premises, absent exigent circumstances as defined in the Warrant Entry Procedures section of this policy. Instead, the officer must first knock, identify themselves as “Police” and announce their intent, and wait a reasonable amount of time for the occupants to allow entry into the premises, pursuant to the Warrant Entry Procedures section of this policy.

**“Lower-Risk” Search Warrant:** A warrant with no or minimal potential threat for harm due to the nature and location of the warrant as well as the absence of suspects. Examples of “lower-risk” search warrants include, but are not limited to:

- Safe-deposit boxes,
- DNA sexual assault warrants for in-custody persons,
- Search warrants at a location where the investigator wouldn’t expect to encounter the suspect(s) or other resistance (for example, a location already under the control of law enforcement).

**“No-Knock Search Warrant”:** Also called an Unannounced Entry or Dynamic Entry warrant, a no-knock search warrant is a search warrant authorizing a police officer to enter certain premises without first knocking and announcing the officer’s presence or purpose prior to entering the premises (MN Statute section 626.14 Subd. 2).

**Probable Cause:** Having reasonable grounds for supporting the requested Court order, to include: search warrants, arrests or other legal process. Probable cause is required by the Fourth Amendment. Officers must have an objectively reasonable basis for believing that a crime may have been committed or that there is evidence of the crime present in the place to be searched.

**Search Warrant:** A document issued by the Court authorizing the police to enter and search a person, premises, location or vehicle for purposes of evidence recovery.

**Search Warrant and Risk Assessment form:** The form completed by Minneapolis Police Department employees that uses investigatory information and other criteria to evaluate the risk potential associated with a warrant.

**SWAT:** The Special Weapons and Tactics Team of the Minneapolis Police Department.

**“Unannounced Entry” Warrant:** Also called a “no-knock search warrant.”

### III. Policy

#### A. Legal Principles

MN Statute sections 626.05 through 626.22 authorize peace officers to write and execute search warrants in the course of their investigative duties and criminal investigations, and the Statute sections establish the warrant requirements for peace officers. MN Statute section 626.14 specifically details time and manner of search warrants, and requirements for “no-knock search warrants.”

#### B. Consistent with Values, Policies and Laws

1. It is the policy of the Minneapolis Police Department that search warrants are applied for and conducted in an impartial manner, consistent with the Vision, Mission, Values and Goals of the Minneapolis Police Department, to include the pillars of Procedural Justice, and consistent with protecting people’s constitutional rights.
2. Search warrants shall also be conducted in accordance with all applicable laws and MPD policies and procedures.
3. The Minneapolis Police Department will pursue tactics and techniques to:
  - Provide for the safety for all persons concerned;
  - Accomplish a thorough and legal search;
  - Respect the constitutional rights of the people the warrant is being served upon;
  - Minimize the level of intrusion experienced by those who are having their premises searched; and
  - Establish a record of the warrant execution process.

### IV. Procedures/Regulations

#### A. Drafting a Warrant

##### 1. Affiant

Search warrants shall be drafted by investigating officers or supervisors.

2. Probable cause

If any doubt exists as to probable cause for the warrant, a city or county attorney shall be contacted for assistance.

3. Follow requirements on warrant

Officers shall follow all listed requirements on the warrant including serving a copy of warrants and inventory receipts to the affected parties.

4. No-knock search warrants are prohibited

- a. MPD officers shall not apply for or execute a no-knock search warrant, whether for MPD or on behalf of another agency.
- b. MPD officers shall not request that another agency execute a no-knock search warrant on behalf of the MPD.

**B. Time of Search Warrant Service**

1. In accordance with MN Statute section 626.14, a search warrant may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits that a nighttime search outside those hours is necessary to prevent the loss, destruction, or removal of the objects of the search or to protect the searchers or the public.
2. The search warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless a nighttime search outside those hours is authorized.
  - a. All nighttime search warrants for a private residence or business not already under control of officers shall be reviewed and approved prior to execution by the Deputy Chief of Investigations or, if unavailable, another employee at the rank of Deputy Chief or above.

**C. Search Warrant and Risk Assessment form**

1. Risk Assessment form required
  - a. A Search Warrant Risk Assessment shall be completed for all “Intermediate-risk” and “High-risk” search warrants.
  - b. The affiant shall document on the form what investigative activities have taken place to try and apprehend the suspect or obtain the evidence prior to issuance of the search warrant, or why no investigative activity is needed or able to be performed.

2. SWAT review for “Intermediate-risk” and “High-risk” warrants for premises

In all search warrants for premises that are not determined to be an administrative search warrant or a “lower-risk” search warrant, the SWAT supervisor will review and determine whether a SWAT team needs to be involved in the warrant planning and execution. This includes “intermediate-risk” search warrants.

3. Approval for “high-risk” warrants for premises

All search warrant applications for premises that are determined to be “high-risk” shall be reviewed and approved by a supervisor at the rank of Commander or above, prior to the execution of the warrant.

4. “Intermediate-risk” and “high-risk” warrants not for premises

Search warrants determined to be “intermediate-risk” or “high-risk” that are not for premises may be executed under the direction of a supervisor, without consultation with the SWAT supervisor. This includes search warrants for people and search warrants for vehicles that may be occupied or mobile.

5. “Lower-risk” warrants

The investigator/affiant of a search warrant may execute a “lower-risk” search warrant under the direction of their supervisor, without consultation with the SWAT supervisor. A Search Warrant Risk Assessment form is not required for the warrant.

6. Administrative warrants

The investigator/affiant may execute an administrative search warrant without consultation with the SWAT supervisor. A Search Warrant Risk Assessment form is not required for the warrant.

#### **D. Planning for Warrant Execution**

1. Using SWAT team

- a. An on-duty team from the Special Weapons and Tactics (SWAT) Unit shall be used for serving all high-risk warrants for premises described in the Search Warrant and Risk Assessment form (MP-6946).
- b. SWAT personnel shall be used in all other preplanned entries that may exceed the capabilities of normal patrol and investigative functions, as determined by the SWAT supervisor after their review.
- c. The purpose of the team is to provide trained personnel and special equipment for the safe and expeditious execution of planned searches and arrests.
- d. Investigating officers will assist the operation and make all associated arrests.

- e. If SWAT will not be involved in executing an “intermediate-risk” search warrant, only officers who received the required “search warrant entry” training shall execute the warrant.
- f. SWAT officers executing a search warrant must be clearly identifiable as law enforcement, in accordance with the Warrant Entry Procedures section of this policy.

## 2. Requests for SWAT Team

When SWAT is not on-duty, requests for the SWAT’s on-duty team shall be made to MECC.

- a. A SWAT team supervisor will designate the responding team members and direct them to a prearranged location for a briefing with the investigating officers.
- b. Tactical considerations for entering a dwelling and securing occupants is the responsibility of SWAT.

## 3. Supervisor present

- a. A non-SWAT supervisor or investigative Sergeant shall be present at executions of all planned search warrants (including those involving SWAT).
- b. A SWAT supervisor shall be present at briefings and executions of all planned search warrants involving SWAT.

## 4. Uniformed officers present

- a. All high-risk and intermediate-risk search warrants shall have a uniformed officer present.
- b. When SWAT is not involved in the warrant execution, the investigator shall contact the Minneapolis Emergency Communications Center (MECC) and the on-duty supervisor of the involved precinct of the location where the warrant is to be served, to notify them of the warrant and to request a uniformed officer.
  - i. When a squad is needed to assist an investigator with a search warrant, the district squad for the location where the warrant will be served shall be called upon to assist.
  - ii. If a district squad for the location is not available, MECC will contact another squad.

## 5. Paramedic or EMS unit present

A certified paramedic, EMT or an Emergency Medical Services (EMS) unit shall be requested to be on site or staged nearby when SWAT will be executing a search warrant.

6. Suspect photographs or briefing sheets

If available, suspect photographs or briefing sheets should be obtained prior to serving “intermediate-risk” and “high-risk” warrants.

**E. Deconfliction Prior to Search Warrant Execution**

1. Deconfliction requirement

- a. Prior to executing a search warrant at an address, the warrant affiant shall attempt to ensure that the search will not conflict with another investigation or police action.
- b. In accordance with MN Statute section 626.13, an officer serving and executing any search warrant other than an administrative search warrant (including “lower-risk,” “intermediate-risk” and “high-risk” warrants) shall notify the local law enforcement agency of the municipality or county in which service is to be made prior to service and execution.
- c. Exception: A search warrant executed at an active crime scene *already under the control of the MPD or another law enforcement agency* does not need to be deconflicted.

2. Deconfliction process

- a. Deconfliction shall be handled through the RISSafe service provided by the Mid States Organized Crime Information Center.
  - i. The search warrant affiant or their designee shall complete the RISSafe deconfliction process by contacting the Strategic Information Center at 612-673-3700 or [police-sicmintel@minneapolismn.gov](mailto:police-sicmintel@minneapolismn.gov) or the Bureau of Criminal Apprehension Operations Center at 651-793-7000.
  - ii. Investigators who have received RISSafe system training may use the online deconfliction tool.
- b. The affiant or their designee shall provide the following information:
  - Affiant name and contact information
  - The name and contact information for a secondary contact familiar with the details of the planned warrant
  - Date and time of warrant execution (a date and time range is acceptable)
  - Type of crime being investigated

### 3. Conflict found

In the event a conflict is found, the affiant will be instructed as to how to contact the conflicting agency. The affiant shall make contact and resolve the conflict prior to executing the search warrant.

### 4. Document deconfliction effort and result

The deconfliction effort and result shall be documented on the Search Warrant Risk Assessment form (MP-6946).

## **F. Warrant Entry Procedures**

### 1. Required people present

In accordance with the planning section of this policy, the following people shall be present for all high-risk search warrant entries:

- At least one uniformed officer
- A non-SWAT supervisor
- A SWAT supervisor
- A certified paramedic, EMT or staged EMS team, when available

### 2. Media and other third parties

The presence of media or other third parties during the execution of a warrant is prohibited unless their presence is necessary to aid the execution of the warrant.

### 3. Police identification

- a. All law enforcement shall be clearly identified as law enforcement by a distinctive outermost garment (such as a vest or jacket) or other visible indicator of position and authority.
- b. All non-uniformed law enforcement shall have the word “POLICE” clearly marked on the outermost garment (such as a vest or jacket) or other visible indicator of position and authority.
- c. Members of other agencies assisting with the search will be identified by using the procedures of their own agency’s policy.

### 4. Body armor and body worn cameras

- a. All members of the entry team shall wear body armor.
- b. All MPD employees present (including members of the entry team) shall wear, activate and deactivate their MPD-issued Body Worn Camera in accordance with the Body Worn Camera policy (P&P 4-223).



## 5. Announcements and entry

### a. Notification prior to entry

Notification is required before entry to the premises is made. An MPD personnel executing a search warrant shall use the following procedures:

#### i. Physically knock or make contact

Police personnel shall physically knock on an entry door to the premises in a manner and duration that can be heard by the occupants; or make contact with occupants inside the residence via phone or a long-range acoustical device.

#### ii. Clearly announce as “police”

Police personnel shall clearly and verbally announce themselves as “police” with the intent to execute a search warrant in a manner that can be heard by the occupants.

#### iii. Wait before entering

##### aa. Daytime entry

Absent exigent circumstances, during a daytime hours entry, police personnel shall wait a minimum of **20** seconds or for a reasonable amount of time for occupants to respond, whichever is greater, before entering the premises.

##### ab. Authorized nighttime search

Absent exigent circumstances, during an authorized nighttime search entry, police personnel shall wait for occupants to respond, for a minimum of **30** seconds or for a reasonable amount of time, whichever is greater, before entering the premises.

##### ac. Exigent circumstances

Exigent circumstances for immediate entry are:

- To prevent imminent harm or to provide emergency aid;
- To prevent imminent destruction or removal of evidence (excluding narcotics);
- When in hot pursuit;
- To prevent the imminent escape of a suspect.

Exigent circumstances do **not** include the destruction or removal of narcotics.

b. Reasonable force to make entry

If notification to the occupants has not resulted in admittance to the police personnel after a reasonable amount of time, the police personnel may use reasonable force to execute the warrant, including forced entry into the building to be searched.

c. Continue announcements

- i. Police personnel shall clearly announce themselves as “police” at the time of actual entry.
- ii. During the execution, officers must repeatedly announce themselves as “police” as they move about and clear the search area, and each time an officer has moved to an area where the previous announcement may not have been heard.
- iii. These announcements should include the officer’s authority and what the officer wants the subject to do.

d. Be mindful of barriers to cooperation

Officers should be mindful of any known or reasonably believed obstacles to cooperation or perception barriers, such as mental or emotional capacity, physical and language barriers, including whether the individual is known or believed to be deaf or hard of hearing.

6. Arrests, searches and use of force

- a. Arrests, searches and use of force engagements shall follow the applicable policies (P&P 9-100, P&P 9-200 and P&P 5-300).
- b. FSDDs (also known as “flash-bangs” shall only be distributed and used in accordance with P&P 5-503 Diversionary/Distracton Devices, and the use of force policies in P&P 5-300.

7. Return location to order

At the conclusion of a warrant, officers shall return the searched location to some semblance of order (i.e., drawers will be placed back into dressers, clothes removed from drawers will be placed back inside, mattresses will be returned to their bed frames, etc.).

## **G. Documenting Warrant and Warrant Execution**

1. Documenting in a Police Report

- a. When SWAT is involved in a warrant, the code SWAT shall be used on the Police Report. For reports that were entered prior to the search warrant execution, the investigator shall ensure the code is added to the report.

- b. If SWAT is not involved, the code SRCHWT shall be used (denoting a search warrant). For reports that were entered prior to the search warrant execution, the investigator shall ensure the code is added to the report. This includes administrative warrants.
  - c. Investigators shall attach a copy of the warrant and a copy of the affidavit to the Police Report.
  - d. The SWAT supervisor, investigator or other person responsible for directing the entry shall document in their narrative text any exigent circumstances present prior to making the entry.
  - e. For warrants involving the search of a location, investigators shall document in the Police Report:
    - Whether the location searched matched the location specified in the warrant
    - Whether the subject or subjects specified in the warrant were present
    - Whether any items specified for seizure in the warrant were present
  - f. Officers assigned to a search warrant shall document in a narrative text their assignment and actions taken, if they were responsible for any of the following:
    - Using force to subdue or detain individuals;
    - Any damage to property;
    - Locating, recovering or documenting evidence.
  - g. When directed by a supervisor, officers shall document in a narrative text their assignment and actions taken.
2. Search warrant information collection form
- a. The Search warrant information collection form in PIMS (the “Warrant” screen) is required for all search warrants. This includes “High-risk,” “Intermediate-risk,” “Lower-risk” and “Administrative” warrants.
  - b. The affiant shall complete the PIMS form for each search warrant applied for or executed by MPD, and shall enter all data required by the form.
    - i. If the affiant is from an outside agency and MPD participates in the execution of the search warrant, the ranking officer that participated in the entry shall complete the form.
  - c. The form shall be completed under the same CCN as the search warrant in PIMS.
  - d. In the Related field on the search warrant PIMS entry, the incident number for the primary case should be used.

### 3. Reporting force

Uses of force during a search warrant execution shall be documented in accordance with P&P 5-301.

### 4. Documenting damage

All case investigators shall document in a Police Report any damage done to property as a result of police actions.

- a. If entry for a search is made forcibly to windows or interior or exterior doors, the report shall include the code FENTRY.
- b. This documentation shall include damage done by the SWAT Warrant Detail to gain access to the premise and damage done by investigators as a result of lawfully searching for evidence.
- c. Damage done to vacant premises shall also be documented.
- d. This documentation must include the condition and detailed description of the property damaged; i.e., hollow core door vs. six panel oak door, porcelain sink vs. oak vanity with marble sink, etc.
- e. Photographs shall be taken to document any known damages, and shall be attached to the Police Report.

## H. Warrants Outside Minneapolis

1. In the best interest of officer safety, MPD officers initiating a warrant in another jurisdiction shall contact the Communication Center that dispatches for the affected jurisdiction and request contact with the officer in charge.
2. When seeking to execute any search warrant other than an administrative search warrant (this includes “lower-risk,” “intermediate-risk”, and “high-risk” warrants), officers shall contact the law enforcement jurisdiction where the warrant is to be served. That jurisdiction should be responsible for entry and securing the scene prior to MPD personnel assuming control.
3. SWAT shall not leave Minneapolis to execute a search warrant without the prior approval of the Commander who oversees SWAT.

## I. Requests by Others Jurisdiction for Search Warrant Execution

1. Prior approval by the Deputy Chief of Investigations is required for the execution of a search warrant for an outside agency.

- a. The Commander who oversees the division of the requested unit shall seek approval from the Deputy Chief of Investigations prior to the execution of a search warrant for an outside agency.
  - b. The Deputy Chief of Investigations shall review the search warrant prior to giving approval to assist the outside agency.
2. All assistance provided shall be in compliance with MPD policies.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
9-300

## Volume Nine – Enforcement Policies

### Warrants

#### 9-302 Arrest Warrants

(04/08/22)

Revisions to prior policies: (06/12/02) (06/19/02)

##### A. Legal Principles

In accordance with P&P 5-102:

1. “Officers shall not arrest any person or search any premises except with a warrant or where such arrest or search is authorized without warrant under the laws of the United States.”
2. “Employees shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.”

##### B. Serve Within Minnesota

MPD officers may serve warrants within the State of Minnesota.

##### C. Confirm Warrant

1. Officers in contact with a person suspected to be wanted on a warrant shall confirm that the warrant exists through MECC.
2. If a warrant is from out of state, officers shall obtain the number of the warrant from MECC and provide it to personnel at the HCADC.

##### D. Suspect photographs or briefing sheets

If available, suspect photographs or briefing sheets should be obtained prior to serving felony warrants or when attempting felony pick-ups.

##### E. Announce Arrest and Inform Subject of Warrant

In accordance with MN Statute section 629.32 and P&P 5-301, the officer shall inform the subject that the officer is acting under a warrant, and shall show the subject the warrant if requested to do so. An arrest by an officer acting under a warrant is lawful even though the officer does not have the warrant in hand at the time of the arrest, but if the arrested person so requests the warrant must be shown to that person as soon as possible and practicable. An

officer may lawfully arrest a person when advised by any other peace officer in the state that a warrant has been issued for that person.

Note: The officer can show the warrant via the squad computer.

#### **F. Using Force to Make Arrest**

Force may only be used to make an arrest in accordance with P&P 5-300, and Federal, State and local laws.

#### **G. Time of Arrest Warrant Service**

##### 1. Misdemeanor arrest warrants

In accordance with MN Statute section 629.31, an arrest may for a misdemeanor may only be made during the hours of 8:00 am and 10:00 pm and only on the days of Monday through Saturday, subject to the exceptions below:

- a. An arrest for a misdemeanor may be made on Sunday or between 10:00 p.m. and 8:00 a.m. on any other day when the judge orders in the warrant that the arrest may be made between those hours; or
- b. when the person named in the warrant is found on a public highway or street.

##### 2. Gross misdemeanor and Felony arrest warrants

In accordance with MN Statute section 629.31, an arrest for a felony or gross misdemeanor may be made on any day and at any time of the day or night.

#### **H. Transport**

If a warrant does exist for the individual, the suspect shall be transported to the Hennepin County Adult Detention Center (HCADC).

#### **I. Warrant Processing- Additional Charges**

Officers arresting a suspect who also has outstanding warrants, may process the suspect on both the warrant and the additional offense.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
10-200

## Volume Ten - Investigations

### Investigative Procedures

#### **10-212 Administrative Subpoenas** (01/26/90)

The county attorney has the authority to subpoena records relevant to law enforcement investigations. Records may be obtained from telephone companies, utilities, chemical suppliers, hotels and motels and businesses engaged in transportation, storage and delivery. (Minn. Stat. §388.23)

Guidelines to utilize this Administrative Subpoena power for cases under investigation have been provided to the department by the Hennepin County Attorney. See the section titled Requests for Normal and After-Hours Administrative Subpoenas.

For Qwest Communications subpoena processing information, see section titled Qwest Communications Subpoenas, Search Warrants and Court Orders. (11/06/07)





# Minneapolis Police Department Policy and Procedure Manual

Number:  
10-200

## Volume Ten - Investigations

### Investigative Procedures

#### 10-212.01 Request for Normal & After-Hours Administrative Subpoenas (01/26/90)

Procedures for requesting an Administrative Subpoena are as follows:

1. Complete a Request for Administrative Subpoena form (MP-3605).
2. Complete the Administrative Subpoena form (MP-3404).
3. **Normal Subpoena:** Present the Request for Administrative Subpoena and the Administrative Subpoena forms to a senior attorney in the Hennepin County Attorney's Office. The attorney who signs the subpoena will retain the original request form and a copy of the issued subpoena.

**After-Hours Subpoena:** Call one of the senior attorneys authorized to approve an after-hours subpoena. (Investigative unit supervisors have a list of attorneys.) Advise the attorney of the situation and provide all necessary information. The attorney, upon satisfaction that the statutory requirements are met, will authorize the subpoena, over the telephone. **The Officer Must Note the Authorization** on the Administrative Subpoena by noting both the officer's and attorney's names, the date and time, and the fact that it was authorized by telephone on the subpoena. The next working day a completed copy of both the Request for Administrative Subpoena form and the Administrative Subpoena must be delivered to the senior attorney who authorized it.

Telephonic (after-hours) Administrative Subpoena authorization is limited to those situations that cannot wait until the next business day. Also keep in mind that most records available through an Administrative Subpoena will only be accessible during normal business hours.

4. Present a copy of the subpoena to the person or business that has custody of the records to be subpoenaed.
5. If necessary, at the time of service, the original signed subpoena may be used to display the signature, and then must be placed in the investigative file.
6. If the person or business subpoenaed refuses to provide the subpoenaed records, contact the Hennepin County attorney who signed the subpoena. That attorney will then prepare a court order to compel production of the records.

Request for Administrative Subpoenas (MP-3605) and Administrative Subpoena (MP- 3404) forms may be obtained from MPD Stores.



**Minneapolis Police Department  
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**Volume Ten - Investigations**

**Investigative Procedures**

**10-212.02 Qwest Communications - Subpoenas, Search Warrants, Court Orders**  
(01/26/90)

Qwest Communications requires an Administrative Subpoena, Search Warrant or Court Order prior to the release of any non-published customer record information. (11/06/07)

To secure non-published customer record information in an emergency situation, a properly executed Administrative Subpoena, Search Warrant or Court Order may be presented or faxed to the Qwest Communications Security Office. (Investigative unit supervisors have a listing of normal and after hours contacts.) When an After-Hours Administrative Subpoena or other document is faxed, a copy of the document must be mailed to the Qwest Communications Security Office the next business day. (11/06/07)

**Note:** Qwest Communications will continue to provide information in connection with an emergency 911 trace. (11/06/07)



# Minneapolis Police Department Policy and Procedure Manual

Number:  
10-200

## Volume Ten - Investigations

### Investigative Procedures

#### 10-213 36-Hour Hold and 48 Hour Hold Rules

(04/01/93)

(A-B)

The 36-hour rule means that an arrested party must have been charged or released from custody no more than 36 hours from the time he was arrested. The 36 hours exclude the day of the arrest, Sundays and holidays. The clock for the 36-hour rule starts running at 0001 hours on the day following the arrest. The County Attorney, in extremely significant cases, may be able to petition to the court to extend the 36-hour rule. This extension can only be authorized through the County Attorney's Office.

The 48-hour rule means that all warrantless arrests on "Probable Cause" must have a judicial review within 48 hours of the arrest if we are going to continue to detain the arrestee. The 48-hour rule goes into effect at the instant the suspect is notified of being placed under arrest (not the time of the booking or time the reports are made). This rule does not replace the 36-hour rule; it is a separate rule and both rules must be followed. Investigators should note that in some cases, the 36-hour hold period is longer than the 48-hour period.

If, in the normal course of an investigation, an investigator presents the case to the County Attorney's Office, a complaint is drafted, sworn to and signed before the Court, within the 48 and 36-hour period, no separate judicial review is required.

If, however, a judicial review of "Probable Cause to Detain" becomes necessary as a result of the 48-hour rule, it is the investigator's responsibility to bring this to the attention of the County Attorney's Office and to supply them with the documentation needed to support the "Probable Cause" for the arrest and continued detention.

During business hours, as soon as an investigator realizes that the judicial review of the "Probable Cause" for arrest is necessary under the 48-hour rule, to continue detention through the duration of the 36-hour rule period, he/she shall deliver to the Hennepin County Attorney's Office supporting documentation. The Hennepin County Attorney's staff will obtain judicial review of these cases and fax copies back to the investigator of the Court's decision. If the Court makes a finding of "Probable Cause" and approves continued detention, it is the responsibility of the investigator to notify the Hennepin County Jail. If the court does not find "Probable Cause" and will not approve continued detention, the investigator shall release the arrestee as appropriate (no charge, pending complaint, tab charge, etc.).

On Saturdays, the Investigative unit representative and the duty officer will evaluate all "Probable Cause" holds. On Sundays and holidays, the Day Watch Watch Commander will

conduct the review of "Probable Cause" holds. In juvenile cases, juvenile investigators have exclusive responsibility for handling the arrest and all "Probable Cause" determinations.

It is the responsibility of the Juvenile Division investigator to notify the Hennepin County Juvenile Detention Center of the continued detention or release of a suspect after the "Probable Cause" hearing.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
10-200

## Volume Ten - Investigations

### Investigative Procedures

#### **10-214 Use of DNR / Trap and Trace Device** (03/21/95) (11/06/07)

All officers and investigators needing to have a Dialed Number Recorder/DNR (pen register) or Trap and Trace device utilized as a resource for an ongoing investigation shall notify the Organized Crime Unit Technical Support Section of their intent before a court order is signed. This will allow Technical Support Section personnel to obtain the proper equipment before the court order is activated, and will serve to keep a record of the unit to be billed.

Prior to a DNR (pen register) or Trap and Trace order, the officer/investigator shall subpoena the phone company of record to ensure the proper company is served with the Trap and Trace order.

The officer/investigator shall forward a copy of the signed court order to the Technical Support Section prior to the DNR (pen register) or Trap and Trace being installed.

After being contacted, the Technical Support Section will furnish the officer/investigator with the requested reports.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
10-200

## Volume Ten - Investigations

### Investigative Procedures

#### 10-215 State Administrative Forfeiture (03/01/11)

##### I. Policy

It shall be the policy of the Minneapolis Police Department (MPD) that all employees of this agency, all MPD employees assigned to another law enforcement agency's task force and all employees assigned from an outside law enforcement agency to a task force in which the MPD serves as the fiscal agent, shall follow all state and federal laws pertaining to the processing of property seized for forfeiture.

Training will be provided by the MPD in consultation with the prosecuting authority to officers who may exercise the use of administrative forfeiture in the performance of their assigned duties. Such training is to be conducted whenever the agency policy is changed or modified based upon administrative directives, legislative statutes changes and/or relative court decisions. Training may include, but not be limited to: agency policy, directives, electronic or traditional classroom education.

##### II. Definitions

**Cash:** Money in the form of bills or coins, traveler's checks, money orders, checks or other forms of electronic money or stored value cards, including but not limited to gift cards, debit cards, gift cards/certificates or other negotiable financial instruments. Does not include personal checks.

**Conveyance Device:** A device used for transportation and includes but is not limited to a motor vehicle, trailer, bicycle, snowmobile, airplane or vessel and any equipment attached to it. The term "conveyance device" does not include property, which is, in fact, itself stolen or taken in violation of the law.

**Firearms/ammunition/firearm accessories:** A device that projects either single or multiple projectiles at high velocity. Ammunition is a term meaning the assembly of a projectile and its propellant. Accessories include but are not limited to holsters, gun cases, fire arm optics, suppression devices, cleaning supplies, etc.

**Forfeiture:** The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture/Seized Property Reviewer:** An Agency employee responsible for reviewing all forfeiture cases and is the liaison between the Agency and prosecutor's office.

**Forfeiture Submission form:** Form mandated by state statute, completed by officers and submitted to the Forfeiture/Seized Property Reviewer.

**Notice of Seizure and Intent to Forfeit Property form:** Form completed by officers at the time of property seizure; to be distributed as directed on the form. Notice of Seizure and Intent to Forfeit Property forms are available for seizures made specific to: Controlled Substance Crime, Impaired Operation, Prostitution, Drive by Shooting and Fleeing Police Officer.

**Jewelry/Precious Metals/Precious Stones:** The term “precious metals/precious stones” includes items of jewelry such as rings, necklaces and watches that reasonably appear to be made of precious metals or precious stones. Precious metals include but are not limited to gold, silver, platinum, iridium and palladium. Precious stones, often referred to as gemstones, include but are not limited to diamonds, emeralds and rubies.

**Property Inventory form:** Form completed upon property inventory at the Property and Evidence Unit. Original copy is maintained by the Property and Evidence Unit.

**Property Receipt form:** Triplicate form completed by officers at the time of property seizure; to be distributed as directed on the form.

**Seizure:** The act of law enforcement officials taking property, including cash, vehicles, etc. that has been used in connection with or acquired by illegal activities.

### III. Procedures / Rules / Regulations

#### A. Administrative Forfeiture Procedure – Controlled Substance Crimes

1. The following property may be seized and is presumed under MN Stat 609.5314 Administrative Forfeiture of Certain Property Seized in Connection With a Controlled Substances Seizure to be subject to administrative forfeiture if the item has a retail value of greater than \$300.00 and less than \$50,000.00:
  - a. All money, precious metals and precious stones found in proximity to controlled substances;
  - b. All conveyance devices containing controlled substances with retail value of \$100 or more if possession or sale of the controlled substance would be a felony under MN Stat Chapter 152, Drugs, Controlled Substances.
  - c. All firearms, ammunition and firearm accessories found:
    - in a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance;
    - on or in proximity to a person from whom a felony amount of controlled substance is seized; or



- on the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under MN Stat Chapter 152.
2. When any property as described in the above section is seized, the peace officer making the seizure must prepare the following documents for each person whom property is being seized from:
    - The “Notice of Seizure and Intent to Forfeit Property - Controlled Substance Crimes” form. This form must be completed to include the following:
      - a list describing each item seized
      - the name of the individual served with the Notice
      - location of seizure
      - date of seizure
      - agency case number
      - signature, date, and location where notice was served (written by the peace officer conducting the seizure).
    - Property Receipt Form. This form must be completed in detail in its entirety. (In addition to the Page 5, when applicable.)
    - Forfeiture Submission Form. This form must be completed in detail in its entirety. Note: Referencing a report is not enough.
    - CAPRS report and supplement explaining probable cause for the seizure to include type and weight of controlled substance and result of field test(s). (*See also, H. Administrative Forfeiture - Report Writing Requirements*)
  3. The individual whom property is being seized from must be given an opportunity to sign the seizure notice form.
    - If the person refuses, the peace officer conducting the seizure must check the appropriate box indicating the refusal to sign.
  4. A copy of the Notice of Seizure and Intent to Forfeit Property Controlled Substance Crimes form and a copy of the Property Receipt shall be given to the individual served.
  5. All property subject to and being processed for forfeiture through the agency must be held in the custody of the agency.
  6. The officer conducting the seizure shall forward the following to the Forfeiture/Seized Property Reviewer within 5 days of seizure:
    - Notice of Seizure and Intent to Forfeit Property Controlled Substance Crimes form (original and pink copies)
    - Property Receipt form (original and pink copies)
    - Forfeiture Submission form

**B. Administrative Forfeiture of Cash Procedure – Controlled Substance Crimes**

1. Cash will not be seized if it has an aggregate value less than \$300.00 unless pre-recorded buy funds are included in the cash seized.
2. Officers shall examine all cash seized to determine whether it contains any buy funds. When buy funds are recovered:
  - a. Photocopy the recovered buy funds and property inventory the photocopy.
  - b. Return recovered buy funds to the appropriate unit's buy fund account.
  - c. Document in the CAPRS report under correct CCN that buy funds were recovered.
3. Cash shall be recounted and the amount verified by another employee of the MPD. The cash envelope and/or inventory receipt shall then be co-signed.
  - If a discrepancy is found, the Notice of Intent to Forfeit Property Controlled Substance Crimes form and the Property Receipt form must be reissued.
4. All forfeitable cash seized will be property inventoried at the Property and Evidence Unit in accordance with Policy and Procedure Manual *Section 10-401 Responsibility for Inventory of Property and Evidence*.
  - a. If cash is seized from multiple individuals, a Property Inventory form will be completed for each individual.
  - b. The Property Inventory form shall specify the total amount of cash seized from each individual.
  - c. The Property Inventory form shall also contain a detailed description of all checks, money orders and/or travelers checks or other financial instruments.

**C. Administrative Forfeiture of Property other than Cash – Controlled Substance Crimes**

1. Seized jewelry, precious metals and/or precious stones shall be property inventoried at the property/evidence room in accordance with Policy and Procedure Manual *Section 10-401 Responsibility for Inventory of Property and Evidence*.
2. Forfeiture of Conveyance Device
  - a. Upon seizure for forfeiture, all conveyance devices shall immediately be either taken to a secure designated area or to an agency approved impound facility.
  - b. Officers shall inventory the conveyance device and its contents in accordance with applicable MPD policies.

- c. If the driver, who received a seizure notice, is not the registered owner according to MN DVS, the Forfeiture/Seized Property Reviewer will serve the registered owner a seizure notice via certified mail pursuant to MN STAT 169A.63 subd. 8(b) Vehicle Forfeiture, Administrative Forfeiture Procedure.
3. Seized firearms, ammunition or firearms accessories shall be property inventoried in accordance with Policy and Procedure Manual *Section 10-400 Property and Evidence*.

#### **D. Administrative Forfeiture Procedure – Prostitution**

1. Vehicles may be seized and are presumed under MN Stat 609.5312 Forfeiture of Property Associated With Designated Offenses to be subject to administrative forfeiture if the vehicle was used to commit or facilitate, or used during the commission of a violation of MN Stat. 609.324 Patrons; Prostitutes; Housing Individuals Engaged in Prostitution; Penalties.
2. Seizure of the vehicle in prostitution offense may be seized only if registered owner of vehicle is present.
3. When a vehicle is seized for prostitution, the peace officer making the seizure must complete the “Prostitution Arrests - Notice of Seizure of Motor Vehicle” form. This form must be completely filled out and issued immediately.
4. The individual from whom the property is being seized must be given an opportunity to sign the seizure notice form.
  - If the person refuses, the peace officer conducting the seizure must acknowledge on the form, the refusal to sign.
5. The form shall be immediately distributed as directed on the form as the vehicle owner is entitled to a hearing within 96 hours, per MN STAT 609.5312 subd 3(b) Forfeiture of Property Associated With Designated Offenses, Vehicle Forfeiture for Prostitution Offenses.
  - Fax to Minneapolis City Attorney’s office
  - Fax to Minneapolis Property and Evidence Unit
  - White copy to Forfeiture/Seized Property Reviewer
  - Yellow copy to registered owner of vehicle
6. If the driver, who received a seizure notice, is not the registered owner according to MN DVS, the Forfeiture/Seized Property Reviewer will serve the registered owner a seizure notice via certified mail pursuant to MN Stat 169A.63 subd. 8(b) Vehicle Forfeiture, Administrative Forfeiture Procedure.

**E. Administrative Forfeiture Procedure – Impaired Operation (DUI)**

1. Vehicles may be seized and are presumed under MN Stat 169A.63 Subd 2 Vehicle Forfeiture, Seizure to be subject to administrative forfeiture incident to a lawful arrest for the violation of a designated drinking and driving offense.
2. When a vehicle is seized for impaired operation, the peace officer making the seizure must complete the “Impaired Operation - Notice of Intent to Administratively Forfeit Vehicle” form. This form must be completely filled out.
3. The individual from whom the property is being seized must be given an opportunity to sign the seizure notice form.
  - If the person refuses, the peace officer conducting the seizure must acknowledge on the form, the refusal to sign.
4. The form shall be distributed as directed on the form.
  - White and Pink copies to Forfeiture/Seized Property Reviewer
  - Yellow copy to driver of vehicle
5. If the driver, who received a seizure notice, is not the registered owner according to MN DVS, the Forfeiture/Seized Property Reviewer will serve the registered owner a seizure notice via certified mail pursuant to MN Stat 169A.63 subd. 8(b) Vehicle Forfeiture, Administrative Forfeiture Procedure.

**F. Administrative Forfeiture Procedure – Flee in Motor Vehicle**

1. Vehicles may be seized and are presumed under MN Stat 609.5312 Forfeiture of Property Associated With Designated Offenses to be subject to administrative forfeiture if the vehicle was used to commit or facilitate, or used during the commission of a violation of MN Stat. 609.487 Fleeing Peace Officer; Motor Vehicle; Other.
2. When a vehicle is seized for fleeing a police officer, the peace officer making the seizure must complete the “Notice of Seizure Motor Vehicle Fleeing Police Officer” form. This form must be completely filled out and issued immediately.
3. The individual from whom the property is being seized must be given an opportunity to sign the seizure notice form.
  - If the person refuses, the peace officer conducting the seizure must acknowledge on the form, the refusal to sign.
4. The form shall be immediately distributed as directed on the form as the vehicle owner is entitled to a hearing within 96 hours, per MN Stat 609.5312 subd 4(b) Forfeiture of Property Associated With Designated Offenses, Vehicle Forfeiture for Fleeing Peace Officer.

- Fax to Hennepin County Attorney's office
  - Fax to Forfeiture/Seized Property Reviewer
  - Copy to driver of vehicle
5. If the driver, who received a seizure notice, is not the registered owner according to MN DVS, the Forfeiture/Seized Property Reviewer will serve the registered owner a seizure notice via certified mail pursuant to MN Stat 169A.63 subd. 8(b) Vehicle Forfeiture, Administrative Forfeiture Procedure.

#### **G. Administrative Forfeiture Procedure – Drive by Shooting**

1. Vehicles may be seized and are presumed under MN Stat 609.5318 Forfeiture of Vehicles Used in Drive-By Shootings to be subject to administrative forfeiture if the vehicle was used to commit or facilitate, or used during the commission of a violation of MN Stat. 609.66 subd. 1(e) Dangerous Weapons, Felony; Drive-By Shooting.
2. When a vehicle is seized for drive by shooting, the peace officer making the seizure must complete the "Notice of Seizure Motor Vehicle Used in Drive by Shooting - Vehicles Used in Violation of MN Statues, Section 609.66 Subd. 1E" form. This form must be completely filled out.
3. The form shall be distributed as follows:
  - White and pink copies to Forfeiture/Seized Property Reviewer
  - Yellow copy to driver of vehicle
4. If the driver, who received a seizure notice, is not the registered owner according to MN DVS, the Forfeiture/Seized Property Reviewer will serve the registered owner a seizure notice via certified mail pursuant to MN Stat 169A.63 subd. 8(b) Vehicle Forfeiture, Administrative Forfeiture Procedure.

#### **H. Administrative Forfeiture - Report Writing Requirements**

1. The Officer/Investigator seizing property shall complete a CAPRS supplement under the appropriate CCN.
2. The supplement(s) must include a description of:
  - the items seized,
  - where the property is inventoried,
  - the name(s) of the individual(s) served,
  - the date the seizure form was served,
  - the name of the serving peace officer and
  - Whether or not the individual(s) signed the Notice of Seizure and Intent to Forfeit Property form.

3. When practical, all reports dealing with seized property shall be completed within 24 hours of the seizure.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
10-200

## Volume Ten - Investigations

### Investigative Procedures

#### **10-216 Witnesses** (11/07/22)

##### **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. Detention**

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. Employees 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.
3. 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.

###### **B. Identification**

1. Witnesses shall not be compelled to provide identification, solely because they are a witness to a crime.
1. Identification can be requested from a witness or potential witness, in accordance with other policies and procedures, but witnesses cannot be required to provide it.

### **C. Voluntary Cooperation**

Employees can secure voluntary cooperation from witnesses, by applying procedural justice principles (in accordance with P&P 5-104):

1. Introducing or identifying themselves to the citizen and explain the reason for the contact as soon as practical (P&P 5-104).
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 citizen witness 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.
4. Investigators shall ensure the witness has access to restrooms, water or other things they may need, as the situation allows.