MINNESOTA CHIEFS OF POLICE ASSOCIATION

MINNESOTA LAW ENFORCEMENT ACCREDITATION PROGRAM(MNLEAP)

MNLEAP STANDARDS MANUAL

UNDER THE DIRECTION OF THE MINNESOTA LAW ENFORCEMENT ACCREDITATION COMMISSION

AUTHORITY

The standards within the Minnesota Law Enforcement Accreditation Program Standards Manual are consistent with the requirements of Minnesota POST, which operates under the authority of Minnesota Statutes and Minnesota Administrative Rules. All standards relating to data should comply with the requirements of Minn. Stat. Ch.13 Government Data Practices, specifically Law Enforcement Judicial Corrections Criminal Justice Data Minn. Stat §§ 13.80-13.991.

Compliance with these standards does not ensure complete compliance with federal, state, or local law, and shall not constitute a defense in any state or federal lawsuit. Nothing in these standards is intended to be (or may) be used by any party to create liability by or against the Minnesota Chiefs of Police Association or Minnesota Law Enforcement Accreditation Program or any of its commissioners, officers, attorneys, or employees under any state or federal law. The standards are not intended to (and do not) confer any right on any entity seeking relief against any of the named organizations or any employee thereof.

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CHAPTER 1

THE ADMINISTRATIVE FUNCTION

Standards in this chapter concern the basic administrative functions of a law enforcement agency. At its core, it is the establishment of a formal written directive system. Agencies are free to determine the title of their written directive system. Examples include but are not limited to, written directive systems, policies and procedures, general orders, standard operating procedures, collective bargaining agreements, governmental administrative orders, training bulletins, or any combination of these titles.

The administrative function should also establish the basic structure of the organization. Although not specifically required by these standards, agencies should consider establishing general job descriptions for the various ranks or titles within the agency, including non-sworn positions.

The affairs function: Every jurisdiction must provide procedures for full and fair processing of all citizens' complaints, including those that are anonymous, about the conduct of any public officer or employee. Complaints from the public provide the chief law enforcement officer (CLEO) with invaluable feedback. The police must deal openly and forcefully with misconduct whenever it may occur.

The disciplinary process may be established through Civil Service, local ordinance, written directive system, or collective bargaining agreements.

The training function may be accomplished with internal or external resources. The agency's records (paper and electronic) must be retained and disposed of following collective bargaining agreements, applicable retention schedules, and applicable ordinances and statutes.

1.1 - JURISDICTION

1.1.1- JURISDICTION

A written directive establishes the limits of the agency's jurisdiction, to include:

a. The geographic boundaries of the agency's territorial jurisdiction;
b. Guidelines for exercising extraterritorial jurisdiction, both on and off duty; and
c. Agency responsibilities concerning incidents involving concurrent jurisdiction.

1.2 - DIRECTION AND PERSONNEL

1.2.1 - WRITTEN ORDERS AND ISSUANCE

The agency has a written directive system that includes at a minimum:

a. The identity(identities) of the persons or positions that have authority to issue, modify, repeal, amend, revise, or approve agency written directives;
b. Description of the written directive structure, format, or template;
c. Procedures for appropriate staff review before issuance;
d. Mission, vision, and values statements;
e. Rules and Regulations;
f. Procedures to implement agency policies, directives, or operations;
g. A process to acknowledge receipt of written directives; and
h. Methods to archive and store agency written directives under the State of Minnesota and local ordinance retention requirements.

Clarification Statement: A comprehensive written directive system is essential to effective operations. The rules and regulations should provide broad guidance for employee behavior. Specifics of day-to-day law enforcement operations properly belong in agency policies and procedures. In addition, the adoption of rules and regulations is not necessarily the responsibility of the CLEO but instead is the responsibility of the appropriate authority within the municipality when applicable. Issuing policies and procedures, orders, and other written directives that govern the day-to-day operation of the law enforcement agency is, however, the responsibility of the CLEO. Rules and regulations may be classified as Standards of Conduct or other synonymous terms.

1.3 - FISCAL CONTROL

1.3.1 - FISCAL CONTROL

A written directive shall describe all agency cash accounts where cash is received or dispersed and provide for:

a. A method that reflects the initial balance, cash received, cash disbursed, and balance;
b. Records or receipts required for cash received and cash expenditures;

c. Specific authorization from the CLEO or designee to exceed established expense limits, including credit cards;
d. Identification of persons or positions who may accept or disburse from the cash accounts; and
e. Quarterly review of the cash accounts.

1.4 – ORGANIZATION

1.4.1 - OATHS AND SWEARING

All sworn personnel should give assurance of fidelity by taking an oath of allegiance/office to enforce the law and uphold the United States and State of Minnesota Constitutions.

Clarification Statement: This standard applies to entry-level law enforcement positions, positions of higher rank, Sheriff's Officers, Special Law Enforcement Officers, Auxiliary Police Officers, and Deputies.

1.4.2 - ETHICS

A written directive requires the agency to adopt or promulgate a code of ethics. The code of ethics must be binding to all personnel, sworn and non-sworn. Additionally, the written directive requires that:

a. All personnel must acknowledge the code of ethics adopted by the agency; and
b. The agency must provide all personnel with ethics training at least once every three years.

Clarification Statement: The code of ethics may be in the form of an agency policy, order, rules, regulations, ordinance, resolution, Statute, Administrative Code, employee manual, or any combination thereof. Agencies may adopt a code of ethics from local, state, or national law enforcement or government organizations.

1.4.3 - DESCRIPTION OF ORGANIZATION

The agency shall maintain a current organizational chart illustrating the organizational components assigned to each functional area of the agency. In addition, a written directive shall:

a. Establish succession of rank in the form of a chain of command or unity of command structure;
b. Designate a succession of command in the absence of the CLEO;
c. Designate the person or position in charge of any incident involving different organizational components involved in the same incident with exceptions noted; and
d. The agency has access to supervisory personnel on a 24-hour basis.

Clarification Statement: An organizational chart and written function description are necessary for the good order of the agency. The table of organization and written function description allow agency members to observe clear lines of authority. The table of organization should be posted in the agency whether physically or electronically. The table of organization (organizational chart) does not have to contain the names of individual employees.

The essential operational command requires clear lines of authority in the absence of the CLEO or supervisory personnel. In an ideal situation, agencies would always have supervisory personnel on duty. This is impossible for some departments. Therefore, agencies must have supervisors available to advise personnel and answer questions on a 24-hour basis. Written procedures should include provisions for command and supervision in the absence of the person(s) normally responsible for such responsibility. Furthermore, procedures that authorize personnel with specialized skills or abilities to assume command in certain situations should be defined.

1.4.4 - IMPARTIAL POLICING

A written directive addresses bias-influenced policing and, at a minimum, includes the following provisions:

a. A clear definition of bias-influenced policing;
b. A prohibition against bias-influenced policing in all law enforcement encounters;
c. A requirement that investigations into possible bias-influenced policing are conducted in accordance with Internal Affairs;
d. Corrective actions if bias-influenced policing is found to have occurred;
e. Initial training and annual training of agency personnel on the impropriety of bias-influenced policing, including legal requirements and sanctions; and
f. Requires the CLEO or designee to complete a written annual meaningful review of agency practices and any corrective action taken.

Clarification Statement: The discredited practice that is commonly referred to as Bias Influenced Policing is a longstanding criminal justice issue that needs to be addressed by every law enforcement agency in every jurisdiction. It is the sworn duty of every law enforcement agency and officer to protect the civil rights of all persons and safeguard the inalienable right to the equal protection of the laws.

If agency personnel were to rely upon a person's race, ethnicity, religion, or gender when making decisions and exercising law enforcement discretion, the result would undermine public confidence in the fairness and integrity of the criminal justice system, alienate significant populations of society, foster disrespect for law enforcement authority and the institutions of government, and ultimately erode public support for law enforcement efforts to investigate and deter crime.

The law of selective enforcement under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution is complex and evolving. While judicial decisions interpreting the Constitution serve as important guideposts for the law enforcement community, the courts are not the sole guardians of the Constitution; the Executive Branch is equally sworn to uphold it.

1.4.5 - UNLAWFUL WORKPLACE HARASSMENT

A written directive that is designed to take preventative and corrective action to address any behavior that violates an employee's well-being and safety in the workplace shall include:

a. A required copy of the unlawful workplace harassment policy to be provided and made available for each member and new member of the agency;
b. Certification by each member signing the prescribed form that the member had been advised of the policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the agency;
c. Prohibition of all forms of discrimination and discriminatory harassment, including sexual harassment;
d. Requirement for the prompt report of any discriminatory, retaliatory, or harassing conduct or known violations;
e. Supervisors roles and responsibilities to monitor the work environment and take appropriate action when claims of harassment are made;
f. Methods for formal investigations of harassment;
g. Proper documentation of complaints or allegations of harassment; and
h. Notification of disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

Clarification Statement: Conduct that constitutes unlawful workplace harassment may include making derogatory comments; making crude and offensive statements or remarks; making slurs of off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to a work environment that is free of discrimination.

1.5 - INTERNAL ADMINISTRATIVE INVESTIGATION

1.5.1 - INTERNAL ADMINISTRATIVE INVESTIGATION

A written directive requires the agency:

a. To ensure the person in charge of investigating employee conduct or internal affairs functions has direct access to the agency's CLEO;
b. To specify source, accept, and investigate complaints against the agency or its employees and decide on the disposition of all complaints;
c. Outline and stipulate the complaint process from receipt of the complaint through the complaint's closure and notification of disposition to the citizen;
d. To specify when an employee can be immediately suspended, with or without pay, pending investigation and disposition;
e. To protect and maintain the confidentiality of all internal affairs records against the agency or employees in a secure area accessible only to personnel authorized by the agency's CLEO;
f. Maintains availability and accessibility of complaints to the public in accordance with the MN Government Data Practices Act; and
g. Requires the CLEO or designee to complete a written annual summary and analysis of all employee conduct complaints and dispositions to include outcomes of applicable

disciplinary procedures as well as other “real-time” reporting requirements pursuant to Minn. Stat. § 626.8457(3)(b) and (c).

Clarification Statement: The internal administrative investigation standard is important to the maintenance of professional conduct within the department. The integrity of the department at large depends on the individual credibility, integrity, and discipline of each employee. Public confidence in the agency is determined by the quality of the internal affairs function in responding to allegations of misconduct by the agency or its employees. The agency shall encourage citizens to register complaints about the conduct of agency employees whenever the citizen feels the conduct was improper or illegal.

The agency will accept and address all complaints of misconduct under the above requirements and applicable federal, state, and local law, municipal and county rules, Department Directives and Orders, and the requirements of any joint powers agreement and memorandum of understanding.

All personnel complaints shall be maintained under the established records retention schedule and the Minnesota Government Data Practices Act, Minn. Stat. Ch.13.

1.5.2 - PROFESSIONAL CONDUCT OF PEACE OFFICERS

A written directive requires peace officers to:

a. Conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances, and rules enacted or established according to legal authority;
b. Refrain from any conduct in an official capacity that detracts from the public’s faith in the integrity of the criminal justice system;
c. Perform their duties and apply the law impartially and without prejudice or discrimination;
d. Not exhibit any conduct which discredits themselves or their agency or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community;
e. Treat all members of the public courteously and with respect;
f. Not compromise their integrity nor that of their agency or profession by accepting, giving, or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments or by using their status as a peace officer for personal, commercial, or political gain;
g. Not compromise their integrity, nor that of their agency or profession, or taking or attempting to influence actions when a conflict of interest exists; and
h. Observe the confidentiality of information available to them due to their status as peace officers.

A written directive:

a. Addresses issues regarding professional conduct not addressed by the standards of conduct under Minnesota Rules, part 6700.1600;
b. Defines unprofessional conduct; and

c. Describe the procedures that a local law enforcement agency may follow in investigating and disciplining peace officers alleged to have behaved unprofessionally.

Clarification Statement: A chief law enforcement officer shall report annually to the board summary data regarding the investigation and disposition of cases involving alleged misconduct, indicating the total number of investigations, the total number of each subject matter, the number dismissed as unfounded, and the number dismissed on the ground that the allegation was unsubstantiated. In addition, the chief law enforcement officer has other "real-time" reporting requirements pursuant to Minn. Stat. § 626.8457(3).

1.5.3 - STANDARDS OF CONDUCT

The agency shall accept and impartially investigate all complaints of misconduct to determine the validity of allegations; and impose any corrective actions that may be justified in a timely and consistent manner.

A written directive describing disciplinary action taken against any officer who violates one or more of the standards of conduct. The directive should address the following points. It is a violation of standards of conduct to:

a. Engage in…
    1. Theft, prostitution, controlled substance offenses;
    2. Conduct identified as a gross misdemeanor in Minnesota;
    3. Sexual harassment as defined by Minnesota Statutes;
    4. Sexual assault, as defined by Minnesota Statutes;
    5. Obstructing legal process;
    6. Fleeing by means other than a vehicle;
    7. Carrying a pistol while under the influence;
    8. Driving under the influence;
b. Falsify or knowingly provide false information to the Board, a law enforcement agency, or a court;
c. Intentionally:
    1. Mishandle evidence or property;
    2. Make undisclosed or improper inducements to witnesses or suspects; or
    3. Gain unauthorized access to or unlawful misuse of government data;
d. Cheat or attempt to subvert the examination or licensing process;
e. Regarding the use of force:
    1. Fail to intercede when observing another officer use force beyond that which is objectively reasonable;
    2. Fail to report in writing within 24 hours to the chief law enforcement officer any use of force violations by another employee or peace officer as required under Minnesota Statutes; or
    3. Engage in unreasonable or excessive use of force, unauthorized use of force, or unauthorized use of deadly force;
f. Fail to:

1. Report crimes of bias or alleged crimes of bias as required under Minnesota Statutes;
2. Report the officer's arrest or criminal charge, or any violation of standards of conduct to the Board and the officer's chief law enforcement officer within ten days;
3. Cooperate with a Board investigation; or
4. Comply with any other requirement in this chapter or Minnesota statutes on peace officers;

g. Misuse a peace officer's authority:
   1. The use or attempted use of one's position or authority as a peace officer to obtain a benefit, avoid a detriment, or harm another;
   2. Committing misconduct under Minnesota statutes; or
   3. Maliciously procuring a search warrant, exceeding the officer's authority in executing a search warrant, or executing a search warrant with unnecessary severity under Minnesota law;
h. Engage in discriminatory conduct;
i. Join, support, advocate, maintain membership, or participate in the activities of a hate or extremist group or a criminal gang;
j. Be the subject of revocation, suspension, or surrender of a peace officer license or certificate in resolution of a complaint or other adverse action relating to licensing or certification in another jurisdiction; or
k. Engage in conduct prohibited by or listed as grounds for disciplinary action in Minnesota Statutes, Chapter 214, or engaging in conduct that violates any statute enforced by the Board.

1.5.4 - ALLEGATIONS OF MISCONDUCT

A written directive for the investigation and resolution of allegations of misconduct against officers employed or appointed by the Chief's agency. These directives shall minimally specify:

a. The misconduct which may result in disciplinary action;
b. The process by which complaints will be investigated;
c. The sanctions which may be imposed if the complaint is sustained;
d. The appeal process for the licensee;
e. The process which will be used to notify the complainant of the investigation and disposition; and
f. The effective date of the procedures or subsequent modification of the procedures.

Clarification Statement: The provisions of this standard apply only to the investigation and the disposition of allegations of administrative misconduct. They do not apply to a criminal investigation.

It is the responsibility of every state, county, municipal, tribal, governmental, and higher educational law enforcement agency to investigate allegations of misconduct of their licensed officers.

The CLEO of each agency must send a POST affirmation of compliance with MN Admin. Rule 6700.2200 annually as well as other "real-time" reporting requirements pursuant to Minn. Stat. §

626.8457(3). Copies of these procedures must be made available to the public upon request and to each officer employed by the agency.

1.5.5 - DISCIPLINARY PROCEDURES

A written directive establishes the agency's process and procedures for taking formal statements of officers where there are allegations of alleged misconduct as well as access to information after completion of an investigation, including:

a. A required formal statement must be taken at a facility of the employing or investigating agency or at a place agreed to by the investigating individual and the investigated officer;
b. Prohibition of a formal statement to be taken unless there is a written complaint signed by the complainant stating the complainant's knowledge, and the officer has been given a summary of the allegations;
c. Specifications for which a formal statement shall be taken at a reasonable duration giving the officer reasonable periods for rest and personal necessities;
d. Requirements of a complete record of sessions at which a formal statement is taken must be made by electronic recording or otherwise;
e. The right of the officer to have a union representative or an attorney retained by the officer, or both, present at the session;
f. Admission that the formal statement may be used as evidence of misconduct or as a basis for discipline;
g. Prohibition of the agency to produce or disclose the officer's financial records except pursuant to a valid search warrant or subpoena;
h. Prohibition of the agency to release photographs of an officer without the written permission of the officer unless otherwise permissible by law;
i. Prohibition of a disciplinary letter or reprimand to be included in an officer's personnel record unless the officer has been given a copy of the letter or reprimand; and
j. Prohibition of the discharge or threatened discharge or discipline as retaliation for or solely because of the officer's exercise of the rights provided above and under Minn. Stat. § 626.89.

Should the matter proceed to an administrative hearing, the directive must also include:

a. Upon request, the investigating agency or the officer shall provide the other party with a list of witnesses that the agency expects to testify at the administrative hearing, and the substance of the testimony.
b. A party is entitled to copies of any witness statements in the possession of the other party and an officer is entitled to a copy of the investigating agency's investigative report, provided that any references in a witness statement or investigative report that would reveal the identity of confidential informants need not to be disclosed except upon order of the person presiding over the administrative hearing for good cause shown.

Clarification Statement: The procedures and provisions of this standard apply to law enforcement agencies and government units. The procedures and provisions of this section do not apply to investigations of criminal charges against an officer.

Upon written request of the officer whose statement is taken, a complete copy or transcript must be made available to the officer without charge or undue delay.

The officer may request the presence of the attorney the union representative, or both, at any time before or during the session. When a request is made, no formal statement may be taken until a reasonable opportunity is provided for the officer to obtain the presence of the attorney or the union representative.

1.6 – EMPLOYEE INVESTIGATION MANAGEMENT

1.6.1 - EMPLOYEE INVESTIGATION MANAGEMENT

The agency has a written directive outlining the intake and investigation of complaints against the agency or its employees, which includes:

(a) Clear procedure made available on how to file complaints;
(b) Record maintenance of all complaints in a secure location;
(c) All complaints are investigated, including anonymous complaints;
(d) Procedures for notifying complaints;
(e) Investigation procedures; and
(f) Provisions to safeguard the due process rights of employees.

Clarification Statement: When a member of that law enforcement agency is accused of potential criminal conduct the CLEO when needed will identify an external agency to investigate the criminal allegations apart from any administrative investigation. The CLEO shall be notified immediately as circumstances reasonably allow when a member is accused of criminal conduct. The accused shall be provided with all rights afforded to a civilian. The agency may release information concerning the arrest or detention of any member that has not led to a conviction.

1.7 - COMMUNITY CONNECTION AND TRANSPARENCY

1.7.1 - POLICY TRANSPARENCY

The agency makes department policies available for public review except when doing so would hinder public safety response operations.

1.7.2 - COMMUNITY INVOLVEMENT

The agency maintains a collaborative community involvement process that accomplishes the following:

a. Seeks broad input from a diverse group of community members and organizations;
b. Identifies current community concerns;
c. Identifies potential problems that have a bearing on law enforcement activities within the community; and
d. Develop recommended actions addressing concerns and problems.

1.7.3 - COMMUNITY INTEREST IN CRIME PREVENTION

The agency assists in organizing community groups with an interest in crime prevention, including:

a. Establishing liaison with existing community organizations or establishing community groups where they are needed;
b. Assisting in the development of community involvement policies for the agency;
c. Publicizing agency objectives, community problems, and successes;
d. Communicating crime trends and problems between citizens, businesses, and the agency; and
e. Supporting agency practices bearing on police-community interaction.

1.8 - AGENCY EQUIPMENT AND PROPERTY

1.8.1 - STORAGE AND ACCOUNTABILITY

A written directive requires that all law enforcement-related equipment is maintained in an operational state and that the responsibility for the maintenance of the equipment is vested with the identified person or position responsible for the equipment.

Clarification Statement: All stored and assigned equipment must be maintained in a state of operational readiness to be deployed on short notice. Stored equipment such as firearms, civil disturbance gear, biohazard gear, and duty-issued equipment should be inspected periodically to ensure operability. Personnel should be responsible for the maintenance of personal equipment issued to them by the agency. Law enforcement-related equipment also includes, but is not limited to: speed measuring devices, automated license plate readers, mobile data computers, mobile video recorders, etc.

1.8.2 - USE OF AVAILABILITY OF BODY ARMOR

A written directive establishes the agency's body armor program to minimally include:

a. A requirement that the agency provide or make body armor available to all sworn personnel;
b. Mandatory wear for patrol personnel any time they could reasonably be expected to take enforcement action;
c. Guidelines for the use, care, maintenance, and replacement of body armor;
d. A requirement that sworn personnel engaged in pre-planned high-risk operations must wear body armor while engaged in such operations; and
e. Personnel may be excused from wearing body armor when they are involved in plain-clothed undercover work that the supervisor determines could be compromised and/or those who serve primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

Clarification Statement: Reserve or Auxiliary Police Officers must be included in this requirement if their duties expose them to risks similar to regular full-time sworn personnel.

1.8.3 - BALLISTIC VESTS

The agency makes available DOJ-compliant ballistic vests for all officers and establishes written guidelines for the wearing and availability of those vests.

Clarification Statement: Ballistic vests should be worn by officers engaged in pre-planned, high-risk situations as defined by the agency.

1.8.4 - EMPLOYEE APPEARANCE

A written directive establishes the agency's appearance standards to minimally include:

a. Clothing, uniforms, and equipment; and
b. Grooming.

Clarification Statement: Uniforms for peace officers shall be of uniform colors throughout the state as provided by MN Stat. 626.88. Uniforms for municipal peace officers assigned to patrol duties in parks shall be blue, brown, or green. Peace officers who are members of the county sheriff's office shall be blue, brown, or green. State troopers shall be maroon. Conservation officers shall be green.

Expectations of appearance should include considerations of protected classes, hair, piercings, tattoos, and other body modifications. Some employees are required to wear the agency's uniform and others are required to wear civilian clothes. Different equipment is also needed by certain employees in the performance of their duties.

1.8.5 - LIGHTING EXEMPTION OF LAW ENFORCEMENT VEHICLES MODEL POLICY

A written practice that all department personnel use when operating a department vehicle without highlights, taillights, or marine navigational lighting while functioning as a peace officer.

1.9 - PUBLIC INFORMATION

1.9.1 - MEDIA RELATIONS

A written directive establishes the public information function of the agency and minimally includes:

a. A designated point of contact(CLEO or designee);
b. Control of media access to areas or locations where uncontrolled access could interfere with law enforcement operations; and
c. A process for issuing press releases

Clarification Statement: The guidelines for media access should address that media representatives have the right to move about in public environments that are not restricted by law enforcement and noting within the directive should preclude or prohibit that right. The release of information shall be by applicable law. A Public Information Officer/Media Relations Officer(sworn or non-sworn) should be designated as a single point of contact during an incident, to minimize unauthorized release of sensitive or privileged information. Public

information concerning deaths or major crimes should be forwarded to the appropriate Prosecutor's Office, when applicable.

1.10 - AGENCY RECORDS AND COMPUTERS

1.10.1 - RECORDS ACCESS AND CONTROL

A written directive ensures the security of the agency's central records including:

a. Controlling access to agency criminal records
b. Authorization for after-hours access, if any;
c. Measures for juvenile and confidential records; and
d. Measures for non-public personnel records;
e. Procedures and criteria for release of agency records; and
f. Records retention and disposal requirements by the Minnesota statute and Records Management.

Clarification Statement: The security and integrity of an agency's central records function are critical to its mission. There should be clear guidelines on who may access the records, when, and how the access is documented. When the central records function is secure after normal working hours there needs to be control of access and permissions set to ensure continued integrity. Security of electronic records should be maintained, especially for sensitive data.

1.10.2 - INFORMATION TECHNOLOGY SECURITY

A written directive establishes procedures to protect its central records computer system and applicable shared databases, if any, through:

a. Data backup and storage;
b. System security access;
c. Password protection;
d. Annual security audit of the agency's central records system;
e. Immediate audit of the agency's central records system if a breach of security is discovered; and
f. Password audit of applicable shared databases annually or in compliance with state requirements.

Clarification Statement: The protection of computerized records and data is critical to the agency's operations and compliance with state law. System access should be controlled through passwords, encryption, and other electronic controls. Physical security and system maintenance must be maintained at all times.

1.10.3 - FIELD REPORTING SYSTEM

A written directive establishes and describes a field reporting system, including the requirement of supervisory review/approval.

Clarification Statement: Field reporting is the primary mechanism of memorializing incidents requiring the involvement of law enforcement personnel. Field reporting provides a basis to document preliminary criminal investigations for future action of reference.

Agencies have wide latitude in determining the types of field reporting systems they use. Systems may be paper-based, electronic, or a combination of both. Some electronic reporting mechanisms may not require supervisory review, while some may require multiple levels of supervisory or command review.

The timely submission of such field reports is critical to the efficiency of an agency. Many investigative and ancillary processes might not be performed or initiated promptly without the approved preliminary report. Examples include, but are not limited to: victim/witness services, follow-up investigations, impounded vehicle releases, etc.

The directive must include a method for someone to approve and review initial reports. This is important to demonstrate supervision of personnel and to ensure accountability for accurate reports.

1.10.4 - REPORTING OF CRIMES MOTIVATED BY BIAS

A written directive that mandates law enforcement agencies reporting incidents of bias-motivated crimes to address all of the following:

(1) The date of the offense;
(2) The location of the offense;
(3) Whether the target of the incident is a person, private property, or public property;
(4) The crime committed;
(5) The type of bias and information about the offender and the victim that is relevant to that bias;
(6) Any organized group involved in the incident;
(7) The disposition of the case; and
(8) Whether the determination that the offense was motivated by bias was based on the officer's reasonable belief or the victim's allegation.

Clarification Statement: A peace officer must report to the head of the officer's department an apparent crime if the office has reason to believe, or the victim alleges, that the act was committed in whole or in substantial part because of the victim's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability, or because of the victim's actual or perceived association with another person or group of a certain actual or perceived association with another person or group of a certain actual or perceived, race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability.

1.11 - AGENCY TRAINING

1.11.1 - REQUIREMENTS OF CLEO

A practice in which the CLEO of each agency is required to ensure the following:

a. The current version of each required policy is posted on the law enforcement agency's website;
b. A copy of the current version of each required policy is provided on request by an individual or organization;
c. A copy of the current version of each required policy is provided to each peace officer employed by the agency;
d. Policies are reviewed at the minimum annually by each officer;
e. The agency's adopted policy is enforced at all levels of the agency; and
f. Violations of a required policy are reported to the MN POST board.

Clarification Statement: It is the responsibility of the CLEO to develop, review, update, and maintain a training plan and to ensure that in-service and department-required training is completed by all employees. If the agency does not have a website, the policy must be posted in the public area of the agency's physical premises.

1.11.2 - PEACE OFFICER TRAINING

The agency shall administer a training program that meets the requirements of federal, state, local, and MN POST training requirements.

Clarification Statement: It is a priority of the agency to provide continuing education and training for the professional growth and development of its members.

Prospective agency personnel education should minimally include instruction in the following subject areas:

a. History and overview of the criminal justice system;
b. Minnesota statute law;
c. Constitutional law and criminal procedure;
d. Juvenile justice system and procedure;
e. Patrol procedures;
f. Criminal investigation and testifying;
g. Human behavior and crisis intervention;
h. Defense tactics and use of force; and
i. Cultural awareness and response to crime victims.

1.11.3 - FIELD TRAINING

A written directive establishes field training officer (FTO) procedures for all newly sworn law enforcement officers to include the following:

a. Responsibilities of a field training coordinator;
b. Responsibilities of a field training officer;
c. Selection parameters for field training officers;
d. Standardized evaluation guidelines used by field training officers;
e. A listing of required reports, evaluations, and responsibilities; and
f. A field training program for new officers should consist of the appropriate number of training hours.

Clarification Statement: The field training coordinator shall be designated by the CLEO and be responsible for the following but not limited tasks:

- General control and evaluation of the field training program.
- Preparation, revision, and evaluation of the field training written materials.
- Planning, directing, and evaluating the field training assignment.
- Assist in the selection of field training officers.
- Consistent communication with training officers to maintain standards and approaches to training procedures.

The field training officer shall be responsible for the training and evaluation of the probationary officer. The following may be considerations in the selection of field training officers:

- Possession of the technical knowledge necessary for the successful performance of the patrol officer in the areas of preliminary investigations, report writing, statutes, city codes, policies, and procedures.
- Possession of interpersonal communication skills.
- Possession of teaching skills.

A field training program for new officers should consist of a minimum of 160 hours.

1.11.4 - PROMOTION

A written directive defines the promotion process of officers, which includes, at a minimum, specific criteria for evaluating the promotional potential of candidates.

A written directive in which the agency ensures that all newly promoted, and specially assigned personnel are provided with the requisite training needed to accomplish new assignments, responsibilities, and tasks.

1.12 - OTHER TRAINING

1.12.1 - HAZMAT TRAINING

A practice by which the agency provides initial and annual refresher training in awareness level hazardous materials for those employees who, in the course of their material duties, may encounter an emergency involving hazardous material.

1.12.2 - TACTICAL TEAM TRAINING

A written directive that requires regular training and periodic readiness exercises for any personnel assigned to or participating in any tactical services unit/team is applicable.

1.13 - AUTHORIZATION AND USE OF AGENCY

1.13.1 - WEAPONS AND AMMUNITION

A written directive that establishes the agency's weapons and ammunition requirements. At a minimum, the written directive shall include provisions for:

a. A requirement that the agency's CLEO or Designee authorize all weapons and ammunition used in law enforcement responsibilities;
b. A listing of all agency-approved weapons including all agency-approved weapons, mechanical force, enhanced mechanical force weapons, and specialized weapons;
c. A listing of the agency-approved ammunition, including less lethal ammunition, off-duty ammunition, and ammunition used in specialized weapons;
d. A listing of agency-approved munitions, if applicable;
e. A requirement that a certified weapons instructor or armorer inspect and approve all agency-approved weapons;
f. A procedure to remove unsafe weapons and to provide a replacement if repairs cannot be made;
g. A requirement to maintain a record of each weapon approved by the agency; and
h. Guidelines for the safe and secure storage of agency-authorized firearms and enhanced mechanical force weapons.

Clarification Statement: The CLEO/Official must authorize all weapons and ammunition that an officer intends to use in his/her law enforcement responsibilities. Since officers derive their authority to carry a firearm from their sworn positions by Statute, the CLEO can mandate what can and what cannot be carried, even in an off-duty capacity. This standard does not require the CLEO to authorize weapons and/or ammunition used for recreational purposes such as hunting and target shooting. Instead, the CLEO must authorize weapons and ammunition carried by officers as a result of their law enforcement authority to include: on-duty weapons, off-duty weapons, backup weapons (where authorized), mechanical force weapons, enhanced mechanical force weapons(electronically conducted weapons), duty ammunition, off-duty ammunition, backup ammunition, less-lethal ammunition, etc.

Specialized weapons include, but are not limited to long guns (shotguns, rifles, submachine guns, carbines, bolt rifles), grenade launchers, etc. Munitions include chemical munitions, distraction devices, and similar products.

All weapons must be inspected to ensure functionality. It is not necessary to test-fire each firearm. A standard functionality test should suffice. Off-duty, backup, and other personally owned weapons must be inspected and approved. It is not necessary to test-fire each OC canister or activate chemical munitions or distraction devices. Agencies should quarantine any stored weapon or ammunition that should not be used. This quarantine can be accomplished by "red-tagging" each weapon or by securing the weapons or ammunition in a separate area or cabinet.

1.13.2 - PROFICIENCY AND QUALIFICATION

A written directive requires that only agency personnel who have qualified with or assessed proficiency in the use of agency-authorized weapons be approved to carry such weapons on duty or off duty. All agency personnel authorized to carry weapons are required to receive in-service training, to minimally include:

a. Annual use-of-force training;
b. Firearms qualifications at least annually or more frequently as defined by MN POST;

c. Less lethal weapons training and proficiency assessment at least every two years;
d. Unarmed subject control tactics;
e. A requirement that qualification, training, or proficiency assessment must be monitored by a certified weapons or tactics instructor;
f. A requirement that qualification and proficiency assessment must be documented; and
g. A procedure for remedial training for those personnel who are unable to qualify with an authorized weapon before resuming official duties, including reassignment, suspension, discipline, and fitness for duty when those personnel fail to meet the standards.

Clarification Statement: Continuing instruction on the use of force and firearms shall be provided by the head of every state, county, and local law enforcement agency to every peace officer and part-time peace officer once a year.

This standard intends to address the carrying and use, both on and off duty, of all weapons, such as handguns, shotguns, chemical sprays, striking weapons, electronically conducted weapons, and tactical weapons. Proficiency assessment may include achieving minimum qualifying on the prescribed course; attaining and demonstrating a knowledge of the laws concerning the use of authorized weapons and knowledge of agency policy(policies) on the use of force, mechanical force, and deadly force; and/or being familiar with recognized safe-handling procedures for the use of these weapons. Instruction and proficiency testing or assessment with all weapons must be provided/monitored by a certified weapons instructor.

1.13.3 – SUPERVISION OF PART-TIME PEACE OFFICERS

A written directive outlining the requirements and responsibilities for the use of part-time peace officers.

Clarification Statement: Any policy must comply with MN POST Model Policy and MN. Admin. Rules 6700.1101.

1.14 - AFTER ACTION REVIEW PROCESS

1.14.1 – Classifying After Action Reports

An agency practice should include specifications to determine the type(s) of after-action review to conduct:

a) Determine the magnitude of the incident warranting an AAR;
b) Define the purpose and scope of the AAR;
c) Set initial objective(s) for the AAR;
d) Define whether the AAR will be formal or informal;
e) Determine impact of the incident on the community;
f) Identifies learning opportunities;
g) Identifies resources (budget, time frame, staff, etc.); and
h) Discuss whether the AAR will be made public, shared only with partners or stakeholder agencies, or kept for internal use only.

Clarification Statement: The choice to engage in an After-Action Review Process is left to the discretion of the law enforcement agency. Conducting AARs following routine emergencies and critical incidents provides learning opportunities that can be applied to strengthen agency functions/operations and prepare for future incidents. Such incidents warranting AARs include officer use of force, officer injury, active shooter, mass violence incidents, mass demonstrations, and major crisis events amongst others.

It is within the agency's discretion to choose whether to engage in an informal AAR, conducted as soon after the event as possible, or a formal report requiring more extensive research. An informal AAR may be beneficial for smaller incidents and responses where the promising practices and lessons learned are easier to identify and can quickly be addressed. A more formal AAR is ideal for large-scale events such as those that had a significant impact on the community. A formal AAR may also be appropriate following large-scale incidents and events that are likely to reoccur, in order to prepare for future events.

AARs can vary in scope, areas of focus, purpose, goals, and objectives. These classifications will be influenced by a number of factors including the type and magnitude of the incident being reviewed, impact of the incident on the community, and level of external involvement in the AAR process.

All AARs should answer the basic questions: What happened, what actions were taken, why were they taken, and what variables should be considered in future responses?

One main outcome of any After Action Review process is to support the creation and promotion of a culture of learning throughout the organization. An effective AAR should encourage reflection on successes and challenges, rather than placing blame. By avoiding focus on penalizing those involved, AARs can be an avenue for honest reflection about the events that occurred.

Any agency should not engage in an AAR if the incident to be reviewed has any related pending Criminal, Civil Internal, or Administrative Investigations or causes of actions pending. Once all causes of action have been resolved, an AAR should be considered.

1.14.2 – After Action Report Personnel Selection

A directive will identify an individual or team who:

a. Is committed to institutional learning and constant improvement;
b. Can attempt to take an unbiased view of the agency's response;
c. Can direct moving pieces into one cohesive learning product;
d. Is well respected and knowledgeable in public safety and agency response policy and protocol;
e. Understands the opportunities for collaboration with stakeholders outside of law enforcement; and
f. Is aware of the potential impacts of their work on the individuals and community involved.

Clarification Statement: An after action review should be conducted by an agency member who is trusted throughout the department and is capable of being objective.

It is suggested that the agency member has experience in facilitating group discussions and engaging the community.

1.14.3 – After Action Report Research Procedures

A directive in which the agency will:

a. Work to gain a foundational understanding of the incident and organization(s) involved;
b. Review similar incidents and national standards for insight into promising practices; and
c. Continue research to support the AAR process.

Clarification Statement: Agencies should strive to conduct an AAR immediately following the incident to communicate the identification of promising practices, lessons learned, and areas for shared improvement.

Individuals conducting the review should maintain lines of communication with information sources to gain access to investigatory materials. Frequently valuable sources agencies may draw on include open-source media, social media, academic journals, agency-generated materials, information from the community, AARS from similar incidents, and national standards.

1.14.4 – After Action Report Stakeholder Identification

An agency practice should:

a. Identify key stakeholders to engage; and
b. Engage key stakeholders through individual interviews, focus groups or roundtables as appropriate.

Clarification Statements: The AAR can be used to identify recommendations and strategies that can serve to build a blueprint for the department and relevant stakeholders.

Stakeholders in the incident may include first responders on the scene, CLEOs from the agency or agencies involved in the response, medical staff, elected officials, community organizations, and victims and witnesses.

1.14.5 – After Action Report Conduct Analysis

A directive will address the following prompts for analysis:

a. What was the intended outcome?
b. What was the actual outcome?
c. What were the decisions, systems, and protocols that lead to the outcome?

1.14.6 – After Action Report Findings Development

An agency directive should:

a. Develop initial findings and recommendations or promising practices and lessons learned; and
b. Develop actionable recommendations.

Clarification Statement: One of the goals of an AAR is to contribute to the larger body of knowledge related to public safety response to various types of incidents. Though agencies are not required to share all findings, CLEOs should make some effort to ensure portions of the results are shared publicly.

1.14.7 – After Action Report Communications

A directive will share information that impacts the overall effectiveness and efficiency of the department.

Clarification Statement: Conducting and reviewing AARs demonstrates the importance of creating an open learning environment. Reliable and consistent communication between responding agencies is critical for effective operations during any major incident.

1.14.8 – Findings Recommendations

An agency directive should:

Develop actionable steps to implement identified recommendations; and
Follow up on the implementation of recommendations.

Clarification Statement: Though agencies are not required, they may consider the benefits of sharing lessons learned from the AAR with other agencies and the public. Findings may be shared via town halls or community forums, PowerPoint presentations at meetings, social media and website posts, trainings for other public safety agencies and relevant stakeholders.

After Action Reports can increase agency transparency and accountability. A comprehensive understanding of the response from the public and other stakeholders can better communicate the implications of their actions on scene.

One main outcome of any AAR process is to support a culture of continuous learning throughout the agency. Agencies are encouraged to reflect on both the successes and challenges of an incident but focus on conducting the review for the purpose of learning rather than placing blame. Refraining from penalizing those involved will help encourage an honest reflection about the events that occurred.

Although agencies may choose not to publicize the report in certain circumstances, in others it is important to discuss how the findings of the AAR should be shared, whom they should be shared with, and when. The choice to publicize the results of an AAR should be influenced by the type and magnitude of the incident being reviewed, the impact of the incident on the community and law enforcement agency community relations, and ongoing criminal and civil litigation related to the incident.

CHAPTER 2

THE PERSONNEL FUNCTION

Personnel are the lifeblood of any organization. Law enforcement agencies have an obligation to develop their employees to their fullest extent to better serve the population. Agencies should provide some benefits to satisfy employees' security needs in the form of pensions, health benefits, liability protection, disability and death benefits, educational benefits, and employee assistance, if available when applicable. Such benefits may be provided by collective bargaining agreements, state statutes or administrative codes, local ordinances, written directives, or a combination thereof.

Off-duty employment should be strictly regulated by the agency

Performance evaluation should be a daily occurrence that is summarized at least annually. The standards in this manual establish a minimum standard. Agencies are encouraged to exceed the minimum requirements.

Candidates for sworn positions should undergo a stringent selection process to screen out potential future problems. Candidates for non-sworn positions should also undergo a similar process due to the sensitive nature of the information shared and accessed in a typical agency.

2.1 - PERSONNEL BENEFITS AND FUNCTIONS

2.1.1 - LINE OF DUTY INJURY AND DEATH

A written directive that requires the agency's on-duty supervisor to complete the following:

a. Initiate the procedures outlined in the agency's Death Investigations Policy;
b. Arrange for notifications to the agency's leadership; and
c. Limit the radio communications until the proper parties have been notified.

A written directive that requires a CLEO or Designee to complete the following:

a. Contact the families of the deceased or properly delegate such communications to other personnel;
b. Release public information regarding the deceased to the media at the appropriate time; and
c. Update all agency personnel, including off-duty personnel, with the appropriate information at the time of and following the officer's death.

A written directive requires the CLEO to offer a critical incident debriefing for all personnel, on-duty, or directly involved in a situation resulting in an officer's death.

Clarification Statement: Due to the stressful conditions surrounding a line-of-duty death, policies, and procedures for handling such a situation should be implemented to ensure survivors and department personnel are informed promptly and given the necessary support.

Preplanned procedures to inform the family of an employee suffering a line-of-duty death or serious injury are paramount to effectively responding to the incident. A line-of-duty death or serious injury can cause the agency to enter a state of crisis without proper preparation and procedures.

The agency should consider funeral support for the family of the deceased and provide the employee's family with emotional and follow-up support.

2.1.2 - OFF-DUTY EMPLOYMENT

A written directive that establishes the agency's off-duty employment process for sworn personnel and minimally requires:

a. Such employment shall not interfere with the employee's duties with the department; and
b. Submission of an Outside Employment form to the proper agency leadership authorities before engaging in such employment.

Additionally, a written directive should specify:

a. Number of hours outside employment that may be worked;
b. Eligible employees; and
c. Provisions for outside employment while on disability or administrative leave.

2.1.3 - EMPLOYEE COLLISION REVIEW PROCESS

A written directive provides guidelines for the investigation and disposition of motor vehicle accidents and incidents involving vehicles under control of the law enforcement agency. A directive should outline at a minimum the following points:

1. On-duty supervisor should be notified as soon as possible and should respond to the scene and investigate the circumstances when practical to do so;
2. The creation of a written incident report including photographs of any damage to agency/city property;
3. A procedure for passing the incident memo along the chain of command toward the CLEO;
4. A procedure for working with other agencies to assist/investigate/and write reports when applicable;
5. In collisions that involve another party, and outside law enforcement agency should conduct the accident investigation; and
6. A crash review panel should be established to examine all crashes involving employees who are operating agency vehicles.

A practice in which in addition to an incident report, a state accident report will be completed for the following incidents:

a. Where the bodily injury occurred and immediate medical treatment either at the scene or away from the scene is sought;
b. Disabling damage is present to one or more vehicles which requires a vehicle to be transported away from the scene by a tow truck or other vehicle;
c. Any incident involving a school bus or commercial vehicle; and
d. Any incident where damage to fixtures, infrastructure, or other property alongside a highway occurs.

Clarification Statement: Department members should not make statements as to fault or contributing factors except to authorized persons. Such persons include supervisors, the city attorney, the investigating officer(s), union representatives, and City insurance carriers.

The review process looks at whether changes are necessary, whether additional training is needed, whether equipment should be changed, altered, or procured, and whether discipline should be considered. The panel may comprise both sworn and civilian staff from the law enforcement agency and the respective city, county, or state risk management division.

2.1.4 - EMPLOYEE INJURY/EXPOSURE REPORTING AND REVIEW PROCESS

A written directive that establishes procedures for the reporting and documented administrative investigation and/or meaningful review of agency occupational injuries and exposures and to minimally include:

a. At scene involved officer/employee responsibilities;
b. At-scene supervisory responsibilities;
c. Designating forms and reports to complete;

d. Designating a person or position to conduct a meaningful review of all occupational injuries and exposures;
e. If the exposure is due to bloodborne pathogens, a follow-up mechanism to ensure that the exposed employee has received treatment, if necessary; and
f. Recommendations to implement findings of the meaningful review(policy changes, training, equipment enhancements, and/or discipline); including periodic safety inspections and reviews.

Clarification Statement: This standard intends to require the administrative investigation and meaningful review of all occupational injuries and exposures. This administrative investigation and meaningful review process is in addition to any criminal or quasi-criminal investigation that is conducted.

The administrative investigation and meaningful review process look to prevent future occupational injuries and exposures in order to minimize and mitigate future risks. The person or position responsible for the administrative investigation and meaningful review should avoid excusing and rationalizing poor employee performance.

The administrative investigation and meaningful review process look at whether policy changes are necessary, whether training is indicated, whether equipment should be changed, altered, or procured and whether discipline is indicated. Safety inspections include facility inspections for trip hazards, fire safety equipment, emergency exit lights, generator operations, and any other exposures to hazardous materials.

2.1.5 - POST-CRITICAL INCIDENT EMPLOYEE WELLNESS

A written directive that establishes procedures for assisting personnel in dealing with the effects of stress associated with critical incidents.

Clarification Statement: The purpose of this standard is to provide the appropriate professional assistance necessary to maintain emotional and physical well-being after being involved or exposed to a critical incident and to assure a consistent means of assisting those personnel in dealing with critical situations and the stress that follows.

The agency should be committed to supporting the emotional health of all employees by providing them with the resources that will help ensure stability and longevity in their personal and professional lives.

2.2 - PERFORMANCE EVALUATION

2.2.1 - ANNUAL EVALUATIONS

A written directive mandates that all full-time employees (sworn and non-sworn) receive documented annual performance evaluations. The agency requires the performance evaluation of all officers and supervisors to be conducted and documented at least annually, including (among other factors):

a. For officers, an assessment of adherence to agency policies; and

b. For supervisors, an assessment of effectiveness in addressing misconduct by officers they supervise.

Clarification Statement: The agency may mandate more frequent performance evaluations. All annual evaluations should also comply with all municipal or county annual evaluation requirements.

2.3 - RECRUITMENT OF SWORN PERSONNEL

2.3.1 - RECRUITMENT PLAN

The agency shall participate in a recruitment program for sworn personnel and maintain a written recruitment plan. The recruitment plan shall minimally:

a. Contain a statement that the agency is committed to Equal Employment Opportunity;
b. Define goals and objectives;
c. Establish activities to achieve stated goals and objectives;
d. Require an annual review of the recruitment plan and progress towards defined goals and objectives;
e. Indicate the requirements of interested personnel possessing a degree and individuals without a degree;
f. Recognizes the value of hiring personnel who are representative of the communities they are sworn to serve; and
g. Establish a process to revise the plan, when necessary.

Clarification Statement: Before hiring a peace officer, the CLEO must be aware of the POST Board's rules and procedures in two areas: (1) A determination of eligibility to be hired. (2) Pre-employment requirements, which vary slightly depending on how the individual became eligible.

By applicable federal, state, and local law the agency provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

The recruitment plan should be developed and implemented with the overall goal of increasing sworn representation that reasonably reflects the demographics of the service area the agency serves. The annual review should include an explanation of the progress, if any, made towards achieving the stated objectives and an explanation of any changes required to the recruitment plan.

2.3.2 - CAREER DEVELOPMENT

The agency has a career development strategy for officers that encourages mentorship, promotes retention, and provides leadership development opportunities.

2.4 - SELECTION OF PERSONNEL

2.4.1 - PROCESS OF SELECTION OF NEW PERSONNEL

A written directive describes the agency's process for the selection of new full-time personnel.

2.4.2 - BACKGROUND INVESTIGATIONS

Before employing the applicant, the law enforcement agency must complete a background investigation on the applicant and verify the qualifying credentials. A background investigation is valid for six months after completion. A background investigation must address the following elements:

1. U.S. citizenship status or verification that the applicant is eligible to work in the United States under federal requirements;
2. Criminal history and arrests;
3. Minnesota Department of Public Safety, Division of Driver and Vehicle Services records, and other state's drivers records as applicable;
4. Review of relevant national or state decertification records, including the National Decertification Index operated by the International Association of Directors of Law Enforcement Standards and Training(IADLEST);
5. A review of the National Law Enforcement Accountability Database(NLEAD);
6. Use of alcohol, controlled substances, and intoxicating substances;
7. Discriminatory conduct;
8. Employment history;
9. Military history verification;
10. Education verification;
11. Personal and professional references;
12. Personal history;
13. Residential history;
14. Record checks as permitted by law, such as open sources or social media; and
15. Inquiry into the misconduct or disciplinary actions taken against the candidate in any jurisdiction where the applicant has served.

Each applicant for employment as a peace officer must provide a personal history statement to the agency when the background investigation is initiated. The statement must include:

a. The above background information;
b. A list of current and former names/aliases used by the applicant;
c. A complete list of all law enforcement agencies the applicant has worked for in the past six years;
d. A signed declaration attesting that all the information the applicant has provided is true and correct to the best of the applicant's knowledge
e. A signed release allowing background investigation information to be shared with the board and with other law enforcement agencies on request.

Clarification Statement: Comprehensive background investigations are essential in determining the qualifications of the candidate for the position under consideration. For all candidates for a sworn position, a check of criminal history with particular attention to any acts of domestic violence, sexual abuse, stalking, elder or child abuse is essential in determining fitness for the position. Forsworn and non-sworn candidates with BCA, a criminal history check is essential in complying with the Bureau of Criminal Apprehension security policies.

For a seasonal or temporary position, when the agency selects a currently licensed or currently employed officer, the agency may decide to limit the investigation to a criminal history check and driving records check.

2.4.3 - MINIMUM SELECTION STANDARDS

A written directive in which prior to employment, the law enforcement agency must establish and document the following minimum selection standards are met by the applicant. The applicant must:

a. Be a citizen of the United States or eligible to work in the United States under federal requirements;
b. Possess a valid Minnesota driver's license or, when residing in another state, a valid driver's license from that state;
c. Provide a complete personal history using a form provided by the law enforcement agency and submit to a thorough background investigation conducted by the agency;
d. Not be convicted of
    1. A felony in Minnesota or an offense in another jurisdiction that would be a felony if committed in Minnesota; or
    2. Any nonfelony offenses or the equivalent in another jurisdiction: gross misdemeanor assault in the fifth degree, bias crimes, domestic assault, violation of a domestic abuse no contact, violation of an order for protection, harassment or stalking, violation of a harassment restraining order sexual extortion, criminal sexual conduct, indecent exposure, mistreatment of a vulnerable adult, patrons of prostitution, make false claims for profit to a public body or officer, attempting medical assistance fraud, theft under Minnesota statutes, interference with an emergency call under Minnesota statutes, nonconsensual dissemination of private sexual images, interference with privacy, malicious punishment of a child, narcotics or controlled substance law, and been required at any point in time be registered as a predatory offender;
e. Be free of discriminatory conduct;
f. Be fingerprinted;
g. Be free from any physical condition that would adversely affect the performance of peace officer duties;
h. Have passed a psychological screening as outlined in Minnesota Admin Rule 6700.0675; and
i. Have completed training equivalent to or exceeding the requirements for emergency medical responder registration

Clarification Statement: The chief law enforcement officer must ensure that documentation necessary to show compliance with the above minimum standards is retained by the law enforcement agency for the duration of any resulting employment. If the applicant is not employed by the agency, the background investigation must be retained for six years or as required by the agency's retention schedule, whichever is longer.

The fingerprints must be forwarded by the agency to the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. Evaluated physical condition established through an exam must be by a licensed medical professional.

2.5 - SCREENINGS

2.5.1 - MEDICAL EXAMS

A medical examination must be performed before appointment for all sworn positions to establish fitness for the position, following a conditional offer of employment.

2.5.2 - PSYCHOLOGICAL SCREENING

The agency conducts psychological screenings on candidates for a peace officer position before appointment to the position. Psychological screening must be administered only by a psychologist licensed in Minnesota or the state in which the psychologist practices. The screening must include:

1. A written psychological test relevant to the responsibilities of a peace officer and the pre-employment psychologist screening criteria established by the law enforcement agency;
2. An in-person or virtual interview conducted by the psychologist; and
3. An evaluation of the applicant's history of discriminatory conduct

The psychological screening must conform to the standards of the Americans with Disabilities Act.

Psychological screenings older than one year are no longer valid for satisfying the pre-employment psychological screening requirement.

The Psychologist's written report on the psychological screening must be retained by the agency for the duration of the officer's employment. If the applicant is no longer employed by the agency, the report must be retained for six years or as required by the agency's retention schedule, whichever is longer.

An agency may choose not to complete a psychological screening of an applicant when:

a. The position is being filled for a seasonal or temporary position; and
b. The applicant remains currently employed in Minnesota as a peace officer by a different agency as verified in writing by the current employing agency as long as the applicant completed a psychological screening within the last year.

2.5.3 - WELLNESS PROCEDURES

An agency practice that encourages officer wellness through policies and procedures. This includes support for officers experiencing substance use disorders, mental health issues, or trauma from their duties, as well as suicide prevention.

CHAPTER 3

THE OPERATIONS FUNCTION

This chapter addresses the delivery of core (basic) services to the public. Typical daily operational procedures need to be codified and formalized to maximize consistency of service. Agency practices need to be examined and committed to writing. Practices need to be lawful, ethical, and in compliance with current criminal procedure, court decisions, and applicable Prosecutor's Guidelines and Directives.

Current internal written directives should be modified as quickly as practicable to include new laws and court decisions.

The use of force should never be considered routine. All use-of-force incidents should be reviewed to ensure the integrity of the agency's practices. All pursuit incidents should also be reviewed.

Traffic safety and enforcement is a core function of local law enforcement agencies.

3.1 - ARREST, SEARCH, AND SEIZURE

3.1.1 – SEARCH CONDUCT

A written directive that re-enforces officers should conduct themselves with dignity and courtesy when executing a search.

Clarification Statement: The following guidelines may include but are not limited to the following, whenever circumstances reasonably permit:

- Officers should explain to the person being searched the reason for the search and how the search will be conducted;
- Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage;
- To minimize the need for forcible entry, an attempt should be made to obtain keys, combinations, or access codes when a search of locked and/or secured property is anticipated; and
- When the person to be searched is the opposite sex as the searching officer, a reasonable effort should be made to summon a peace officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject another officer or a supervisor should witness the search, and the officer should not search areas of the body covered by tight-fitting clothing, sheer clothing, or clothing that could not reasonably conceal a weapon.

3.1.2 - WARRANTLESS SEARCHES

A written directive that establishes criteria for warrantless searches in accordance with contemporary criminal procedures. Minimally, the written directive shall address:

a. Consent searches;
b. Stop and frisk;
c. Search incident to arrest;
d. Motor vehicle searches with probable cause;
e. Crime scene searches;
f. Exigent circumstances;
g. Inventories of seized vehicles or other property;
h. Plain view, plain touch, and plain smell;
i. Open fields; and
j. Other situations where warrantless searches are authorized by state and federal criminal procedure.

Clarification Statement: The Minnesota State Constitution and the United States Constitution provide its citizens with Constitutional protections. Agencies should be careful to account for differences between U.S. and Minnesota Supreme Court interpretations.

Agencies should be aware of the holding of *State v. Torgerson. Torgerson* provides the standard that the odor of marijuana emanating from a vehicle, alone, is insufficient to create the requisite

probable cause to search a vehicle under the automobile exception to the warrant requirement, in the absence of evidence of drug paraphernalia or indication that the marijuana was being used illegally.

3.1.3 - SEARCH WARRANTS

A written directive establishes procedures for obtaining and executing a search warrant. Minimally, the written directive shall address:

a. The keeping and disposal of any property seized with or without a warrant;
b. Proper jurisdiction of locations searched;
c. Grounds for issuance;
d. Probable cause;
e. Examination of parties requesting a warrant;
f. Issuance of warrant;
g. Service of warrants;
h. No-knock warrants;
i. Return of warrant to the court;
j. Search warrants relating to communication services and remote computing services; and
k. Unlawful search and seizure.

3.1.4 - NO-KNOCK SEARCH WARRANTS

A written directive shall include at minimum the following provisions:

a. Time a search warrant 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.
b. Definition of “no-knock search warrant”
c. Requirements for a no-knock search warrant
d. Reporting requirements regarding no-knock search warrants

The agency shall make available the following information on no-knock entries to the public:

a. The number of no-knock entries that occurred pursuant to judicial authorization;
b. The number of no-knock entries that occurred pursuant to exigent circumstances; and
c. Disaggregated data by circumstances for no-knock entries in which a law enforcement officer or other person was injured in the course of a no-knock entry.

Clarification Statement: A nighttime search shall be conducted outside of the hours 7:00 am and 8:00 pm when necessary to prevent loss, destruction, or removal of the objects of the search or to protect the searches or the public.

A court may not issue or approve a no-knock search warrant unless the judge determines that the applicant has articulated specific, objective facts that establish probable cause for belief that: (1) the search cannot be executed while the premises are unoccupied; and (2) the occupant or occupants in the premises present an imminent threat of death or great bodily harm to the officers executing the warrant or other persons.

Each warrant application seeking a no-knock entry must include, in detailed terms, the following: (1) why peace officers are seeking the use of no-knock entry and are unable to detain the suspect or search the premises safely through the use of a knock and announce warrant; (2) what investigative activities have taken place to support the issuance of no-knock search warrant or why no investigative activity is needed or able to be performed; (3) the known or suspected occupant or occupants of the premises, including the number of occupants under age 18; and (4) whether the warrant can be effectively executed during daylight hours.

Law enforcement agencies shall report to the commissioner of public safety regarding the use of no-knock search warrants in a format prescribed by the commissioner. An agency must report the use of a no-knock search warrant to the commissioner no later than three months after the date the warrant was issued. The report shall include the following information: (1) the number of no-knock search warrants requested; (2) the number of no-knock search warrants the court issued; (3) the number of no-knock search warrants executed; (4) the number of injuries and fatalities suffered, if any, by peace officers and by civilians in the execution of no-knock search warrants, and (5) any other information the commissioner requests.

3.1.5 - ARRESTS

A written directive shall at minimum include the following provisions:

a. Who may make an arrest;
b. Arrests under a warrant;
c. Arrests without a warrant;
d. Out-of-jurisdiction arrests;
e. Off-duty arrests;
f. The reports required by an arrest;
g. Fingerprinting requirements;
h. Photographing(mug shot) requirements; and
i. Citizen arrests.

Clarification Statement: Agencies should consider informing their personnel of diplomatic and consular immunities in arrest or custody situations. Agencies must ensure the written directive meets all federal and state mandates and statutes.

3.1.6 - ALTERNATE CARE FOR THE ARRESTEE'S CHILD

A written directive in which a peace officer who arrests a person accompanied by a child of the person may release the child to any person designated by the parent unless it is necessary to remove the child because the child is found in surroundings or conditions that endanger the child's health or welfare or which the peace officer reasonably believes will endanger the child's health or welfare.

Clarification Statement: Minnesota Statute 260C.176 outlines the circumstances in which a child or dependent shall not be released to a person designated by the arrestee. An officer releasing a child under this section to a person designated by the parent has no civil or criminal liability for the child's release.

3.1.7 - STRIP AND BODY CAVITY SEARCHES

A written directive that establishes procedures for strip and body cavity searches. The procedures shall include:

a. Qualifying criteria and supervisory approval for conducting strip searches and body cavity with custodial confinement;
b. Authority for conducting strip and body cavity searches with and without a warrant;
c. A requirement that strip and body searches are conducted in private by a person of the same sex/gender, with exceptions noted;
d. Provisions for privacy and search by gender or gender identity and gender expression;
e. Provisions for circumstances involving juveniles; and
f. Reports and other documentation required.

3.2 - INTERVIEW AND INTERROGATION

3.2.1 - INTERVIEW AND INTERROGATION

A written directive that establishes procedures to assure compliance with all contemporary criminal procedural requirements related to:

a. Interviews (victim/witness, etc.);
b. Investigative detention interviews (field interviews);
c. Interrogations and the right to silence;
d. Interrogations and the right to legal counsel;
e. Interview/Interrogations and the right to an interpreter;
f. Additional requirements for juvenile interrogations; and
g. Criteria for electronic recording of interviews or interrogations.

Clarification Statement: Federal and State law as well as U.S. and Minnesota Supreme Court decisions govern the required procedures and criteria for conducting interviews and interrogations. Written directives should be crafted to account for any judicial requirements unique to Minnesota law enforcement.

A written directive shall incorporate the findings of *State v. Scales* which mandates that all interrogations, including any information relayed via rights, and all questioning is required to be electronically recorded.

3.2.2 - INTERVIEW ROOM USE AND SECURITY

A written directive establishes security protocols for interview/interrogation room(s), to include:

a. Designation of authorized interview/interrogation rooms;
b. Weapons security or control;
c. Designating the maximum number of personnel permitted in the room(s) during an interview or interrogation;
d. How to summon assistance, if needed; and
e. Access to comfort breaks, if needed.

Clarification Statement: The purpose of this standard is to identify the designated rooms where an interview/interrogation should occur. This standard applies to persons under arrest or suspected of committing a crime or offense, not crime victims. The agency shall establish a safe environment for law enforcement officers conducting the interview/interrogation.

3.3 - USE OF FORCE

3.3.1 - USE OF FORCE

A written directive that establishes the agency's use of force policy and procedures to include at a minimum:

a. A requirement that officers, and employees authorized to use weapons or force, will use reasonable force when force is used to accomplish lawful law enforcement objectives;
b. Definition of applicable terms;
c. Criteria for use of force ranging from immediate action to de-escalation;
d. Criteria for the use of deadly force to include carotid control holds;
e. Restrictions on the use of deadly force;
f. Criteria for use of weaponless subject control;
g. Criteria for use of less lethal devices/weapons;
h. Criteria for use of restraints, including vascular neck restraints;
i. A requirement to provide appropriate medical aid when someone is injured or complains of pain resulting from law enforcement forces;
j. Supervisory responsibilities;
k. Requiring a documented review of all use of force incidents and a written annual analysis of all use of force incidents;
l. Officer training on policy, including the learning objectives as provided by the Board of Peace Officer Standards and Training;
m. Officer demonstration of their knowledge and understanding of use of force at least annually; and
n. Subject to available resources, periodic training offered to peace officers on guidelines regarding vulnerable populations including but not limited to children, elderly, pregnant persons, and individuals with physical, mental and intellectual disabilities.

Clarification Statement: It is the policy of the law enforcement agency to ensure officers respect the sanctity of human life when making decisions regarding the use of force. Sworn law enforcement has been granted the authority to use force when necessary to accomplish lawful ends. The appropriate use of force is held to the standard of an objectively reasonable peace officer to effectively bring an incident under control while protecting the safety of others and the officer. Officers should only use the amount of force reasonable to effectively bring an incident under control while protecting the safety of others and the officer.

Officers shall only use the amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Use of physical force should be discontinued when resistance ceases

The decision by an officer to use force or deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight and that the totality of the circumstances.

Use of force shall be exercised, when necessary, absent any bias towards a person's perceived or known race, ethnicity, gender, sexual orientation, sexuality, religious affiliation, age, or disability.

Yearly training for each active peace officer and part-time peace officer is required and training records must be maintained by the employer agency.

All instances of use of force shall fall into a category under Minn Stat. §609.06.

All instances of the use of deadly force/justifiable taking of a person's life shall fall under the authority of Minn. Stat. §§ 609.065-609.066

All written directives should address the principles of *Graham v. Connor*. The Graham factors are a basis to assess the reasonableness of a peace officer's use of force under the Fourth Amendment. These factors include the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

3.3.2 - DE-ESCALATION

A written directive stating that officers employ de-escalation and cross-cultural competency techniques when possible but may use force that is objectively reasonable to accomplish lawful objectives.

Clarification Statement: An early intervention system of other risk management tools that, at a minimum, enable supervisors to identify problematic conduct and conduct appropriate interventions to help prevent avoidable uses of force.

An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training whenever possible and appropriate before resorting to force and reducing the need for force.

Whenever possible and when such delay will not compromise the safety of another or the officer will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

3.3.3 - DEADLY FORCE

A written directive that describes the use of deadly force by a peace officer in the line of duty as only justified if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight that such force is necessary:

(1) To protect the peace officer or another from death or great bodily harm, provided that the threat:
    (a) Can be articulated with specificity;
    (b) Is reasonably likely to occur absent action by the law enforcement officer; and
    (c) Must be addressed through the use of force without unreasonable delay; or
(2) To effect the arrest or capture, or prevent the escape, of a person who the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat.

A written directive that prohibits:

(1) The use of deadly force to prevent the escape of the fleeing suspect unless the suspect poses an imminent danger of death or serious physical injury to the officer or another person;
(2) The discharge of firearms from a moving vehicle except in exigent circumstances. In these situations, an officer must have articulable reason for the use of deadly force;
(3) The discharge of firearms at a moving vehicle unless a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or the vehicle is operated in a manner that threatens to cause death or serious physical injury to the officer or others, and no other objectively reasonable means of defense appear to exist, which includes moving out of the path of the vehicle;
(4) The use of deadly force against persons whose actions are a threat solely to themselves or property unless an individual poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

A written directive that requires that a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force, if feasible, and if so would not increase the danger to the officer or others.

A written directive that recognizes the inherent dangerousness of warning shots, defined as the discharge of a firearm for compelling compliance from an individual, but not intended to cause physical injury. If warning shots are permitted, they must have a defined target and not be fired straight up in the air, and shall not be fired unless:

(1) The use of deadly force is justified;
(2) The warning shot will not pose a substantial risk of injury or death to the officer or others; and
(3) The officer reasonably believes that the warning shot will reduce the possibility that deadly force will have to be used.

Clarification Statement: The authority of peace officers to exercise the use of force is a critical responsibility that shall be exercised judiciously and with respect for human rights and dignity and the sanctity of every human life. Every person has a right to be free from *excessive* use of force.

Peace officers may only use deadly force, when necessary, in defense of a human life or to prevent great bodily harm. The circumstances of each case shall determine whether deadly force is necessary. The decision of a peace officer to exercise deadly force shall be evaluated from the perspective of a reasonable officer in that same situation, based on the totality of the circumstances known or perceived by the officer at the time.

Peace officers shall exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect their ability to understand or comply with peace officer's commands.

Use of deadly force shall be exercised, when necessary, absent of any bias towards a person's perceived or known race, ethnicity, gender, sexual orientation, sexuality, religious affiliation, age, or disability.

3.3.4 - VIOLATIONS OF THE USE OF PROPER FORCE

A written directive that establishes mechanisms for holding their officers accountable for violating policies related to the use of force, which includes timely and consistent discipline if warranted and appropriate due process protections for officers.

3.3.5 - WRITTEN REPORT REQUIRED

A written directive that requires a written report is submitted whenever an officer and/or employee uses weapons or force:

(a) Discharges a firearm for other than training recreational purposes;
(b) Applies deadly force;
(c) Applies less lethal devices/weapons and conducted energy weapon;
(d) Applies weaponless subject control at a level as determined by the agency; or
(e) Unintentionally discharges a firearm and/or conducted energy weapon.

Clarification Statement: An officer who observes another officer use force that exceeds the degree of force permitted by law must report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting officer.

3.3.6 - DUTY TO INTERVENE

A written directive that outlines a duty for peace officers to intercede when present and observing another peace officer using force that is clearly beyond what is objectively reasonable under the law and the particular circumstances; and physically or verbally able to do so.

A peace officer who observes another employee or peace officer use force that exceeds the degree of force permitted by law must report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting peace officer.

Clarification Statement: Any employee when observing or reporting force, should take into account the totality of the circumstances and the possibility that the other employee may have additional information regarding the threat. It is paramount for personnel to understand that immediate action and intervention are required when violations of agency policy and

unreasonable force occur. The directives may address the concept of timing and feasibility of intervention and any associated training. Protections offered by “Whistle Blower” policies, including applicable statutes, should be considered. The intent of this standard is for employees to prevent the public and the agency from being negatively impacted as a result of such behavior. Employees have a responsibility to take appropriate action in circumstances that involve fellow employees, as well as other public safety associates whose actions are criminal, unconstitutional, or inappropriate. Other public safety associates may include members of task forces, other agency employees, concurrent jurisdictions, and volunteers of representatives from support organizations.

3.3.7 - DUTY TO RENDER MEDICAL CARE AFTER THE USE OF FORCE

A written directive that outlines the duty of peace officers who engage in any use of force and know or have reason to know the force caused bodily harm to a person shall:

(1) Immediately investigate the extent of the person’s injuries; and
(2) Render immediate reasonable assistance to the injured person.

Clarification Statement: Appropriate medical aid does not place the burden on the agency to have each injured person immediately evaluated at a medical facility. Appropriate medical aid may include increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid, evaluation by paramedics, or for more serious or life-threatening incidents, immediate aid by medical professionals.

Any use of force technique that relies on the restriction of oxygen intake or restriction of blood flow has the potential to result in serious injury or death and such application may require medical intervention. The policy must be explicit and clearly define the agency’s position on the matter and give clear direction on the duty to render medical care.

Any agency that authorizes use must ensure its personnel are properly trained in the application of the technique to minimize the possibility of unintended consequences. Training should include instruction on providing immediate medical aid in the event of any associated injury or distress. In addition to the initial training, the agency must also provide annual training to ensure the skills required for proper application are maintained and the agency’s policy is clearly understood by affected personnel. Training should include the implications of applying the technique to those having obvious medical conditions which could further enhance the associated risks of injury or death.

3.3.8 - PUBLIC ASSEMBLY AND FIRST AMENDMENT ACTIVITY

The law enforcement agency will apply the appropriate level of direction and control to protect life, property, and vital facilities while maintaining public peace and order during a public assembly of First Amendment activity.

The agency will uphold the constitutional rights of free speech and assembly while exercising the minimum use of physical force and authority required to address a crowd management or crowd control issue. Agency personnel must not:

a. Harass;
b. Intimidate;
c. Discriminate against; or
d. Unreasonably interfere with persons in the lawful exercise of their rights.

Clarification Statement: Agencies should be mindful when responding to mass demonstrations and consider the balance between the need for public safety protection and the demonstrator's First Amendment Right to Protest.

3.4 - LAW ENFORCEMENT COMMUNICATIONS

3.4.1 – COMMUNICATIONS PROCEDURES

A written directive that establishes guidelines for the use of communications equipment that will increase efficiency and professionalism. Such directive shall include policies on the following:

a. Radio channels;
b. Responsible use of communications equipment;
c. Call signs and identification;
d. Radio protocol including sections on radio courtesy, non-emergency radio traffic, emergency radio traffic, sensitive information; and
e. Radio procedure involving potentially hazardous situations.

Clarification Statement: Personnel should become familiar with the proper use of all radio equipment and channels. Communications equipment should be handled reasonably and operated to prevent misuse and abuse. It is the responsibility of the officer to report damaged, missing, or malfunctioning radio equipment to a supervisor.

Radio users should use fair judgment, common sense, and courtesy when transmitting messages. Peace officers should not use the radio to insult, denigrate, or ridicule community or agency members. Radio transmissions should be made briefly and concisely. Radio equipment should not be used in a manner that would reflect unfavorably on the agency. Agency members should be aware that radio transmissions may be monitored by various segments of the population, including the media and interested citizens. Alternative methods of communication should be considered when it is necessary to communicate sensitive messages.

3.4.2 - RECORDING INFORMATION ON CALLS FOR SERVICE

A written directive requires that the following information is obtained for each event or call for service:

(a) Incident number;
(b) Date and time of the incident;
(c) Type of incident;
(d) Name, address, and phone number of the reporting party, whenever practical and feasible;
(e) Incident location;
(f) Officer(s) assigned;

(g) Time of dispatch;
(h) Time of arrival;
(i) Time of reporting back in service; and
(j) Disposition, if available.

Clarification Statement: Communications between field personnel and other field personnel and telecommunications operators are essential for day-to-day operations as well as emergencies. Clear procedures should be promulgated to facilitate circumstances requiring communications and procedures to respond to emergency calls for assistance.

3.5 - FIELD ACTIVITIES

3.5.1 - RESPONDING TO CALLS FOR SERVICE

A written directive that establishes guidelines for responding to calls for service.

3.5.2 - MOTOR VEHICLE PURSUITS

A written directive to provide officers with guidance in balancing the primary safety of the public, the safety of other officers and themselves, and law enforcement's duty to apprehend violators of the law, while minimizing the potential for pursuit-related crashes. A model policy should include:

(1) A statement describing the philosophy of the model policy;
(2) Factors to be considered in initiating and terminating a pursuit;
(3) Provisions for authorized and unauthorized pursuits;
(4) Procedures, tactics, and technologies used during pursuits;
(5) The various responsibilities of the pursuing officers, the officer supervising the pursuit, the dispatcher, and air support;
(6) Procedures governing inter-jurisdictional pursuits;
(7) Fresh pursuit outside state boundaries;
(8) The procedures governing any persons injured in the course of the pursuit;
(9) Defined contents to be included in the report of the incident;
(10) The procedures used to evaluate each pursuit; and
(11) A statement of officer accountability.

Clarification Statement: Agencies must ensure the value of respect for the sanctity of human life when making decisions regarding vehicle pursuits as they may expose innocent citizens, law enforcement officers, and fleeing violators to the risk of serious injury or death. The agencies should consider a pursuit is justified when the need for immediate apprehension or the risk to public safety outweighs the risk created as a result of the pursuit.

Terms used in the written directive need to be clearly defined. Agencies can consider restricting certain types of vehicles from pursuit, and driving, such as unmarked vehicles, vehicles with a high potential to overturn, motorcycles, bicycles, all-terrain vehicles, segways, etc. Restrictions should also account for traffic patterns unique to the agency, such as school zones, traffic volume, etc.

The annual analysis should examine the past year's vehicle pursuits in the aggregate to discover any patterns or trends that need to be addressed.

While officers are pursuing a fleeing vehicle, officers should slow down as necessary for safety while approaching a stop sign or red light. Officers may proceed with caution through the intersection if they have their emergency lights and sirens activated. If a pursuit is approaching a neighboring state boundary, supervisor approval is required to continue with the pursuit.

All officers not declared exempt must complete an eight-hour course in emergency vehicle operations and the conduct of police pursuits every five years. Training is to be based on POST Board learning objectives and consistent with the agency's policy. The Department of Public Safety, BCA governs the reporting of pursuits of motor vehicles. The report must be filed within 30 days of the incident.

Policies on vehicle pursuits shall be based upon recognition of the basic need for pursuit under certain circumstances. Reliance and responsibility are placed upon the individual officer's common sense, experience, and training. All members involved in vehicular pursuits are accountable for their actions and decisions. Officers shall use only the amount of force that reasonably appears necessary under the totality of the circumstances to properly perform their lawful duties.

3.5.3 - EMERGENCY VEHICLE OPERATIONS

A written directive shall mandate that the operation of an emergency vehicle shall be conducted with at least one flashing red warning lamp visible from the front and a siren that is sounded when necessary to warn pedestrians of other drivers.

Clarification Statement: The provisions in this standard do not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequence of a reckless disregard of the safety of others.

Officers shall use only the amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

3.5.4 - FORCIBLE STOPPING

A written directive that establishes procedures for roadblocks, tire deflation devices, boxing in, or intervention techniques to minimally include:

(a) Establishing criteria for the use of such tactics or devices;
(b) Establishing procedures for such tactics;
(c) Establishing post-stop procedures or guidelines;
(d) Requiring on-duty supervisory approval, with exceptions noted;
(e) Requiring written documentation of each incident on a form/report defined by the agency; and
(f) Requiring training in the use of such tactics or devices.

Clarification Statements: The use of a roadblock must be authorized by a supervisor. A roadblock must only be deployed as a last resort and should only be exercised with the seriousness of the crime for which the suspect is wanted. The roadblock must be visible and provide adequate warning to allow vehicles to come to a safe stop. The roadway shall not be completely blocked unless the use of deadly force has been authorized.

Ramming, heading off, driving alongside of, or passing the pursued vehicle should be restricted to violators who are suspected of committing felonies involving death or life-threatening injury. These tactics should be used only as a last resort and must be authorized by the supervisor.

Officers shall use only the amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

3.5.5 - INTERACTING WITH PEOPLE WHO HAVE MENTAL ILLNESS

A written directive that establishes guidelines and procedures when responding officers encounter individuals who are suffering from a mental health crisis. Such directive should require the following from the first responding officer:

a) Prioritization of safety;
b) A request for backup officers and specialized resources such as Crisis Intervention trained officers and Emergency Medical Services(EMS) when needed; and
c) Utilization of crisis intervention techniques.

3.5.6 - AUTOMATED LICENSE PLATE READER

Use of an automated license plate reader without the adoption of a written policy meeting the requirements of this section is prohibited. At a minimum, the written directive must incorporate and require compliance with the following:

(a) Data collection is limited exclusively to:
    (1) License plate numbers;
    (2) Date, time, and location data on vehicles; and
    (3) Pictures of license plates, vehicles, and areas surrounding the vehicles.
(b) Classification of private and nonpublic data;
(c) Matching data collected by an automated license plate reader with additional sources of data;
(d) Limits to automated license plate readers;
(e) Requirement for standard destruction and preservation of data;
(f) Outlines of sharing automated license plate data with other law enforcement agencies;
(g) Authorization of access.

Clarification Statement: Use of the automated license plate reader without the adoption of a written policy is strictly prohibited.

Besides the above standards, all law enforcement agencies should comply with MINN STAT. § 13.05, subdivision 5 and 13.055 in the operation of automated license plate readers, and in maintaining automated license plate reader data. The agency must establish written procedures

to ensure that law enforcement personnel have access to the data only if authorized in writing by their CLEO, or their designee, to obtain access to data collected by an automated license plate reader.

Within ten days of the installation or current use of an automated license plate reader or the integration of automated license plate reader technology into another surveillance device, an agency must notify the Bureau of Criminal Apprehension of that installation or use and of any fixed location of a stationary automated license plate reader.

3.5.7 - UNMANNED AERIAL VEHICLE POLICY

At a minimum, an Unmanned Aerial Vehicle Policy must address the following:

(1) Use of UAV in conjunction with a search warrant;
(2) Circumstances or instances of authorized use;
(3) Limitations and unauthorized use;
(4) Required Documentation;
(5) Data Classification and Retention;
(6) Reports for use of UAVs.

Clarification Statement: Information obtained or collected by law enforcement agency in violation of the agency's unmanned aerial vehicle policy is inadmissible as evidence in a criminal, administrative, or civil proceeding against the data subject.

A law enforcement agency must provide an opportunity for the public to comment before it purchases or uses a UAV. At a minimum, the agency must accept public comments submitted electronically or by mail. The governing body with jurisdiction over the budget of a local law enforcement agency must provide an opportunity for public comment at a regularly scheduled meeting.

3.5.8 - PORTABLE RECORDING SYSTEM (BODY-WORN CAMERA)

While on duty, a peace officer may only use a portable recording system issued and maintained by the officer's agency to document the officer's activities. At a minimum, the written policy must incorporate and require compliance with the following:

(1) Mandate that a portable recording system be worn at or above the midline of the waist in a position that maximizes the recording system's capacity to record video coverage of the officer's activities.
(2) Procedure that outlines when an individual dies as a result of the use of force by a peace officer, the officer's agency must allow the following individuals, upon request, to inspect the relevant portable recording system data within five days of the request:
    a. The deceased individual's next of kin;
    b. The legal representative of the deceased individual's next of kin; and
    c. The other parent of the deceased individual's child.
(3) Procedures for testing the portable recording system to ensure adequate functioning;
(4) Procedures to address a system malfunction or failure, including requirements for documentation by the officer using the system at the time of the malfunction or failure;

(5) Circumstances under which recording is mandatory, prohibited, or at the discretion of the officer using the system;
(6) Circumstances under which a data subject must be given notice of a recording;
(7) Circumstances under which a recording may be ended while an investigation, response, or incident is ongoing;
(8) Procedures to ensure compliance and address violations of the policy.

Clarification Statement: Such requests for data from the three classifications of individuals above may be denied if such an inspection would interfere with an active investigation. Denial of request for the data must be provided by the Chief Law Enforcement Officer and must include a compelling reason access was denied.

Data collected by a portable recording system is private data on either individuals or nonpublic data. However, public data includes records that describe or otherwise document circumstances around the discharge of a firearm by a peace officer in the course of duty or the use of force by a peace officer that results in substantial bodily harm. Such data in these circumstances shall be made accessible to the public upon request except in such circumstances where the data includes a subject who is not a peace officer and who does not consent to the release or data on a peace officer whose under Minnesota Statute, Section 13.82, subdivision 17.

3.5.9 - PORTABLE RECORDING SYSTEM DATA RETENTION

A written directive references data inactive in a criminal investigation that must be maintained for a minimum of *90 days* and destroyed according to the agency's records retention schedule.

A written directive or agency practice that references data that must be maintained for at least *one year* and destroyed according to the agency's records retention schedule if:

(1) The discharge of a firearm by a peace officer in the course of duty is recorded, or
(2) The use of force by a peace officer that results in substantial bodily harm is recorded.

A written directive or agency practice that references data that must be maintained *indefinitely* if it records a peace officer's use of deadly force.

3.5.10 - PORTABLE RECORDING SYSTEM INVENTORY

A law enforcement agency that uses a portable recording system must maintain a written record of the following information:

(1) The total number of recording devices owned or maintained by the agency;
(2) A daily record of the total number of recording devices deployed and used by officers;
(3) The policies and procedures for use of portable recording systems; and
(4) The total amount of recorded audio and video data collected by the portable recording system and maintained by the agency's retention schedule for the data, and the agency's procedure for destruction of the data.

Clarification Statement: The above information is public and shall be provided upon request. Portable recording system data that is not public may only be shared with another law enforcement agency, government entity, or federal agency. If data collected by a portable

recording system are shared with another law enforcement agency, that agency that receives the data must comply with all data classification, destruction, and security requirements of the recording agency. Portable recording system data may not be shared with, disseminated to, sold to, or traded with any other individual or entity unless explicitly authorized by applicable law.

3.5.11 - OCCUPANT SEAT BELT/SAFETY RESTRAINTS

A written directive specifies the requirements for the use of occupant safety restraint devices, including the use of child safety restraints, in every vehicle.

Clarification Statement: Minnesota law requires the use of seat belts in passenger vehicles. It has been shown that the use of seat belts can reduce death and injuries in vehicles involved in crashes. It has also been shown that the use of seat belts helps officers maintain proper control of their vehicles during emergency response and high-speed operations. The directive should require the use of occupant safety restraining devices, including the use of child-safety restraints as applicable. This standard applies to all vehicles normally equipped with factory-installed occupant safety restraining devices.

3.5.12 - POLICE CANINES

A written directive that establishes guidelines and procedures for the use of agency-owned or controlled canine(s), and includes the following provisions:

(a) Qualifications and training for personnel or the position assigned to work and/or control the canine;
(b) Authorization and conditions for use and that any canine-related injuries be documented in a formal report;
(c) Procedures for the collection of deployment data, including use of force data, and completing an annual summary and analysis;
(d) Procedures for the control of a canine in a public area;
(e) Procedures for 24-hour care and maintenance of the police canine; and
(f) Procedures for the prohibited use of activities involving the canine.

A written directive that requires announcements or warnings prior to the deployment including the following three parts:

(a) Real authority;
(b) Request for peaceful surrender; and
(c) Consequences: may be bitten.

Clarification Statement: It shall be the policy of the agency that handlers and canines meet and maintain the appropriate proficiency to conduct legitimate law enforcement objectives effectively and reasonably. A canine may be used to apprehend a suspect if the canine handler believes that the individual has committed or is threatening to commit a violent offense or felony. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to utilize the canine. Use of a canine to locate and apprehend a suspect wanted for a misdemeanor or gross misdemeanor is prohibited unless

the suspect poses an imminent threat of harm to the peace officer or others. If the identity of the suspect is known and there is a reasonable likelihood that the person can be located at a later time, it is the canine handler and/or the canine supervisor's responsibility to evaluate the situation and determine whether the use of the canine is appropriate and reasonable given the totality of the circumstances. The injured person should be provided immediate medical attention and assistance and transported to a medical facility if required.

Any injuries resulting from the use of force with the canine shall be documented in a formal report. The injuries should also be included in any incident or arrest report. Any unintended bite or injury caused by the canine, whether on duty or off duty, shall be reported to the canine supervisor and be documented.

The canine shall be kept on a leash when in areas that allow access to the public apart from specific law enforcement operations. A canine shall not be left unattended in any area to which the public has access. When the canine is left unattended in a vehicle, the vehicle shall be secured in such a manner as to prevent unauthorized access to the canine.

Canine handlers shall not enter their canine in any dog show, exhibition, competition, or demonstration without prior approval of the overseeing law enforcement agency. Canine handlers shall not use their canine for breeding purposes without the prior approval of the overseeing law enforcement agency. Canine handlers are encouraged to not allow children to exercise or engage the canine unless the handler is present and supervising the activity.

Canine announcements/warnings shall be aired audibly and loud enough by both the canine officer and assisting officers before the deployment of the canine. Ample time shall be given to individuals to surrender before deployment of the canine. In cases when time does not allow for an immediate canine warning to be announced, officers shall attempt to give verbal canine warnings as soon as feasible.

3.6 - FOOT PURSUITS

3.6.1 - GENERAL PROVISIONS OF FOOT PURSUITS

A written directive that addresses the decision to initiate a foot pursuit. The directive should balance the objective of apprehending the suspect with the safety of the officer, other agency members, and the public.

Clarification Statement: The policy should specifically provide guidelines to assist officers in deciding to continue, initiate, or terminate the pursuit of suspects on foot. Officers are expected to act with objective reasonableness of an officer in the same situation and based on the totality of the circumstances.

The safety of the department members and the public should be the officer's primary consideration in determining whether a foot pursuit should be initiated or continued. The decision to initiate, continue, or terminate the pursuit must constantly be re-evaluated in light of the circumstances present at the time. In deciding whether to initiate or continue the officer should consider reasonable alternatives to the foot pursuit based on the circumstances of the situation and the resources available including containment of the area, additional assistance

from other agencies, a canine search, sensing technologies, air support, and the possibility of apprehension of the subject at another time.

3.6.2 - GENERAL GUIDELINES FOR A FOOT PURSUIT

A written directive that outlines when officers are justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in, or has engaged in criminal activity.

A written directive also outlines at a minimum the following factors a peace officer should consider when deciding to terminate a foot pursuit:

a. Mandatory termination directed by a supervisor;
b. The peace officer is acting alone;
c. Two or more of the peace officers become separated;
d. The officer is unsure of the peace officer's location or direction of pursuit;
e. Peace officer is pursuing multiple subjects;
f. Physical or mental condition renders the officer unable to continue the pursuit;
g. Peace officer loses communication with dispatch and/or fellow officers;
h. There are insufficient officers to provide backup or containment;
i. Unforeseen circumstances that increase the risk to the peace officer, other agency employees, or the public;
j. Peace officer is no longer in possession of essential equipment;
k. The officer or third party is injured; and
l. Additional information exists for the suspect to be apprehended at a later time.

A written directive requires the following to be included in reports documenting instances of foot pursuits. The initiating officer should document the following:

a. Date and time of the foot pursuit;
b. Circumstances and reasons for the foot pursuit;
c. Suspect's alleged offenses;
d. Involved vehicles and officers; and
e. Whether the suspect was apprehended and the method used to do so.

Clarification Statement: The initiating officer shall be responsible for coordinating the progress of the foot pursuit. Officers initiating a foot pursuit should communicate the location and direction of travel, the reason for the foot pursuit, the suspect description, and whether the suspect is believed to be armed and dangerous.

Any use of force occurring as a result of a foot pursuit shall be reported and documented in compliance with the agency's use of force policy.

3.7 - TRAFFIC SAFETY AND ENFORCEMENT

3.7.1 - CONDUCTING MOTOR VEHICLE STOPS

A written directive that establishes procedures to conduct motor vehicle stops including stops where the risk to the officer is high or unknown.

3.7.2 - UNIFORM ENFORCEMENT OF VIOLATIONS

A written directive that establishes the agency's traffic enforcement practices in accordance with applicable Minnesota State Statutes or Municipal/Country Ordinances to include:

(a) Driving under the influence of alcohol/drugs;
(b) Operating with a suspended driver's license or registration;
(c) Operating in excess of the posted or statutory speed;
(d) Hazardous moving violations;
(e) Off-road or off-road vehicle violations;
(f) Equipment and inspection violations;
(g) Public carrier or commercial vehicle violations;
(h) Licensing, registration or insurance violations;
(i) Parking violations;
(j) Newly enacted traffic laws (state, country, or local);
(k) Enforcement at the scenes of traffic collisions;
(l) Pedestrian violations; and
(m) Bicycle and motorized bicycle violations.

Clarification Statement: The agency should establish traffic enforcement guidelines to aid officers in exercising discretion. While the short-term goal of traffic enforcement is to deter the potential violator, consistent traffic enforcement policies aid in achieving the long-term goal of traffic enforcement, which is to gain voluntary compliance with the law. Complaints of differential treatment can be mitigated with such consistent policies.

Hazardous moving violations include, but are not limited to reckless driving, careless driving, passing a stopped school bus or frozen dessert truck, improper passing, etc. Off-road violations include vehicles being driven off-road, or off-road vehicles being driven on public lands and highways. Newly enacted traffic laws also include local ordinance changes or enactments (parking or moving). Agencies may wish to establish a grace period or warning period for newly enacted or revised traffic laws.

3.8 – SCHOOL RESOURCE OFFICERS

3.8.1 - SCHOOL RESOURCE OFFICER AGENCY CONSIDERATIONS

A written directive shall establish at a minimum the following:

a. Issues to be addressed in the school resource officer contract;
b. Procedures for the proper use of force on school grounds;
c. Alternative procedures that can be used to de-escalate conflicts in schools and students and others in crisis;
d. Procedures to build constructive police relationships with students, administrators, and educational staff;
e. Proper procedures for protecting student data; and

f. SRO training is consistent with the requirements of Minn. Stat. §626.8482.

Clarification Statement: The goal of SRO programs is to provide safe learning environments, offer valuable resources to school staff members, foster positive relationships with students, and develop strategies to resolve problems that affect youth.

Issues to be addressed by a school resource officer contracts may include but are not limited to: the use of plain clothes, modified uniforms, and other changes to school resource officer attire to foster a positive school climate, facilitate the establishment of positive relationships with students, and promote open communication; the selection, vetting, and retention of the SRO; descriptions of how the SRO will be informed of school district resources available to assist with de-escalation of conflicts on campus; and a public notification process that an SRO will be present in schools.

3.8.2 - SCHOOL RESOURCE OFFICER TRAINING OBJECTIVES

A written directive shall ensure a peace officer completes a training course that provides instruction on the following before assuming the duties of a school resource officer:

a. The juvenile justice system;
b. Legal standards for peace officers to use force to detain or arrest students in schools;
c. Legal standards for school employees and contractors to use force to detain, discipline, and arrest students in school;
d. De-escalation techniques and using the least restrictive physical intervention strategies for handling conflicts in schools;
e. Responding to persons experiencing mental health crises in a school setting, with an emphasis placed on juveniles;
f. Understanding and working with students with disabilities and students receiving special education services;
g. Juvenile brain development, including limitations on impulse control;
h. The impact of childhood trauma on juvenile behavior;
i. Responding to threats of violence against students and schools;
j. Detecting juvenile exploitation;
k. Investigating crimes committed in schools, including student and parental rights;
l. Identifying vulnerabilities in school facilities and safety protocols; and
m. Mandated safety drills and best practices in conducting safety drills.

3.8.3 - SCHOOL RESOURCE OFFICER INSTRUCTION REQUIRED

A written directive shall ensure the following:

a. A peace officer assigned to serve as a school resource officer completes resource officer training prior to filling the role of an SRO;
b. An SRO will complete a refresher course at a minimum of once every three years; and
c. For each SRO employed by a law enforcement agency, a CLEO will maintain a copy of the most recent training certificate issued to the SRO for each SRO employed by the agency.

Clarification Statement: In the event an SRO's employing agency is unable to provide the required training course prior to the peace officer assuming the duties of a SRO, the SRO must complete the required training within six months. However, the SRO must review any policy adopted by the SRO's employing agency before assuming the other duties of a school resource officer and must comply with that policy.

A peace officer serving as a substitute school resource officer for fewer than 60 student contact days within the school year is not obligated to complete required SRO training but must review and comply with any policy adopted by the law enforcement agency that employs the substitute school resource officer.

3.8.4 - SCHOOL RESOURCE OFFICER'S GENERAL DUTIES

A written directive shall outline a school resource officer's contractual duty with a school district or charter school and shall at a minimum include:

a. Fostering a positive school climate through relationship building and open communication;
b. Protecting students, staff, and visitors on school grounds from criminal activity;
c. Serving as a liaison from law enforcement to school officials;
d. Providing advice on safety drills;
e. Identifying vulnerabilities in school facilities and safety protocols;
f. Educating and advising students and staff on law enforcement topics; and
g. Enforcement of criminal laws.

Clarification Statement: A school resource officer should be carefully selected, thoroughly trained, and appropriately equipped to fulfill their role within the school community. An SRO should actively engage in early prevention and early intervention educational programs that focus on and support student's needs.

SROs are a resource for educating students on what concerns should be reported to a responsible adult. SROs should consider establishing a presence at times that allow opportunities to build connections and relationships based on mutual trust and respect.

3.8.5 - SCHOOL RESOURCE OFFICERS AND USE OF FORCE

A written directive shall establish considerations for the proper use of force on school grounds to at a minimum include:

a. The prohibition of choke holds and other restraints;
b. The prohibition on using force or the authority of the peace officer's agency solely to enforce school rules or policies and participating in the enforcement of discipline for violations of school rules;
c. The use of de-escalation techniques and other alternatives to higher levels of force that are appropriate for juveniles and students in a school setting;
d. Response tactics and strategies that minimize the use and duration of prone restraint, and other physical holds of students; and

e. The duty to render reasonably prompt care consistent with the officer's training, to a person who an officer physically holds or restraints.

Clarification Statement: All situations that require SRO use of force are governed by and shall comply with Minn. Stats. §609.06 Authorized Use of Force, §609.066 Authorized Use of Deadly Force by Peace Officers, §626.8475 Duty to Intercede and Report, and the law enforcement agency's general use of force policy.

School resource officers are expected to recognize and consider alternatives to formal criminal referral, such as diversion and restorative justice programs, where possible and appropriate for the involved parties. When a criminal incident also involves violating school rules, SROs should consider referring the matter to school authorities instead of a formal criminal referral.

Crisis intervention and de-escalation strategies should be used whenever possible in response to crisis or safety situations. Such strategies include, but are not limited to, being empathetic and nonjudgmental, respecting personal space, using nonthreatening nonverbal communication, avoiding challenging questions, and allowing time for decisions.

The prohibition of choke holds, and other banned restraints are established in Minn. Stat. § 609.06, subdivision 3.

3.9 - AVAILABLE DATA

3.9.1 - DATA PUBLICATION

The agency has a written directive for the collection and reporting of complaint data, addressing which data are made available to the public and including provisions to safeguard the due process rights of employees.

3.9.2 - DATA ON DETENTIONS

The agency has a written directive on the collection, maintenance, and analysis of demographic data on all detentions (stops, frisks, searches, summons, and arrests). This data should be made publicly available, where the release does not compromise ongoing investigations.

3.9.3 - DATA ON MISCONDUCT AND USE OF FORCE

The agency has a written directive describing how and when information about incidents of alleged officer misconduct or use of force involving death or serious bodily injury will be communicated with the public and media.

3.9.4 - ARREST DATA

The agency has a written directive or practice on data taken by the agency to cite, arrest, incarcerate, or otherwise substantially deprive an adult individual of liberty shall be public at all times and include:

a.) Time, date, and place of the action;
b.) Any resistance encountered by the agency;
c.) Any pursuit engaged in by the agency;

d.) Whether any weapons were used by the agency or other individuals;
e.) The charge, arrest or search warrants, or other legal basis for the action;
f.) The identities of the agencies, units within the agencies, and individual persons taking the action;
g.) Whether and where the individual is being held in custody or is being incarcerated by the agency;
h.) The date, time, and legal basis for any transfer of custody and the identity of the agency or person who received custody;
i.) The date, time, and legal basis for any release from custody or incarceration;
j.) The name, age, sex, and last known address of an adult person or the age and sex of any juvenile person cited, arrested, incarcerated, or otherwise substantially deprived of liberty;
k.) Whether the agency employed a portable recording system, automated license plate reader, wiretaps, or other eavesdropping techniques unless the release of this specific data would jeopardize an ongoing investigation;
l.) How the agencies received the information that led to the arrest and the names of individuals who supplied the information unless the identities of those individuals qualify for protection; and
m.) Response or incident report number.

3.9.5 - REQUEST FOR SERVICE DATA

A written directive or practice in which document requests by the public for law enforcement services shall be public government data including:

a.) The nature of the request or the activity complained of;
b.) The name and address of the individual requesting unless the identity of the individual qualifies for protection;
c.) The time and date of the request or complaint; and
d.) The response initiated and the response or incident report number.

Clarification Statement: A law enforcement agency shall withhold public access to data on individuals to protect the identity of individuals under the circumstances outlined in Minn. Stat. §13.82, Subd. 17.

3.9.6 - REQUESTS OF AUDIO RECORDINGS OF 911 CALLS

A written directive or practice describing the parameters under which recordings of a call placed to a 911 system are made available to the public.

Clarification Statement: The audio recording of a call placed to a 911 system to request service from law enforcement is private data on individuals concerning the individual making the call, except that a written transcript of the audio recording is public unless it reveals the identity of an individual protected under MINN. STAT. §13.82, subd. 17. A transcript shall be prepared upon request. The person requesting the transcript shall pay the actual cost of transcribing the call, in addition to any other applicable costs. The audio may be disseminated to law enforcement

agencies for investigative purposes. The audio recording may be used for public safety and emergency medical services training purposes.

3.9.7 - PUBLIC ACCESS TO RESPONSE OR INCIDENT DATA

A written directive describing the public access to public data created or collected by law enforcement agencies which documents the agency's response to a request for service which may include:

a.) Date, time, and place of the action;
b.) Agencies, units of agencies, and individual agency personnel participating in the action unless the identities of agency personnel qualify for protection;
c.) Any resistance encountered by the agency;
d.) Any pursuit engaged in by the agency;
e.) Whether any weapons were used by the agency of other individuals;
f.) A brief factual reconstruction of events associated with the action;
g.) Names and addresses of witnesses to the agency action or the incident unless the identity of any witness qualifies for protection;
h.) Names and addresses of any victims or casualties unless the identities of those individuals qualify for protection;
i.) The name and location of the health care facility to which victims or casualties were taken;
j.) Response or incident report number;
k.) Dates of birth of the parties involved in a traffic accident;
l.) Whether the parties involved were wearing seat belts;
m.) The alcohol concentration of each driver; and
n.) Whether the agency used a portable recording system to document the agency's response or actions.

Clarification Statement: The PIO should always verify the requested information with what is allowable under the statute.

3.9.8 - CHILD ABUSE IDENTITY DATA

A written directive that outlines the private data surrounding the abuse of children.

Clarification Statement: Active or inactive data that identify a victim of child abuse or neglect are private data on individuals. Active or inactive investigation data that identify a reporter of child abuse or neglect are confidential data on individuals unless the subject of the report compels disclosure.

Investigative data that becomes inactive that relates to the alleged abuse or neglect of a child by a person responsible for the child's care are private data.

3.9.9 - VULNERABLE ADULT IDENTITY DATA

A written directive that adheres to the statute that privatizes the data on adult maltreatment.

Clarification Statement: Active or inactive investigative data that identify a reporter or vulnerable adult maltreatment under MINN. STAT. § 626.557 are private data on individuals. Active or inactive investigative data that identify a reporter or vulnerable adult maltreatment under §626.557 are private data on individuals.

3.9.10 - PUBLIC DATA

A written directive outlining the situations or circumstances in which data may be made confidential.

Clarification Statement: Any law enforcement agency may make any data classified as confidential or protected nonpublic or as private or nonpublic accessible to any person, agency, or the public if the agency determines that the access will aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest.

When data is classified as public under this section, a law enforcement agency shall not be required to make the actual physical data available to the public if it is not administratively feasible to segregate the public data from the non-public. However, the agency must make the information described as public data available to the public in a reasonable manner. When investigative data becomes inactive the actual physical data associated with the investigation, including the public data, shall be available for public access.

3.9.11 - OFFICER DATA

A written directive on the collection of data regarding officer suicides, officer misconduct, use of force, officers killed and assaulted, incidents, and deaths in custody. In addition, the agency is submitting or actively working towards their ability to submit data to the following data collection efforts:

a. FBI's Law Enforcement Suicide Data Collection;
b. National Law Enforcement Accountability Database(when operational);
c. FBI's National Use of Force Data Collection;
d. FBI's Law Enforcement Officers Killed and Assaulted Data Collection;
e. FBI's National Incident-Based Reporting System, including hate crime data; and
f. Office of Justice Program's Deaths in Custody Reporting Act Data Collection(through the relevant State Administrative Agency).

CHAPTER 4

THE INVESTIGATIVE FUNCTION

This chapter addresses the criminal investigative function. The criminal investigation function is typically used when conducting follow-up investigations or functions not routinely handled by a typical patrol function. In smaller agencies, patrol officers may be assigned to conduct follow-up investigations when necessary.

Although the property and evidence function is included in this chapter, there is no requirement that the property and evidence process must be a duty and responsibility of the criminal investigative function. Some agencies may have a separate property and evidence function, an identification unit, or the function may be the responsibility of patrol or central records. The CLEO or designee of the agency is free to decide upon the placement of each function within the organizational structure.

4.1 - CRIMINAL INVESTIGATIONS

4.1.1 - EYEWITNESS IDENTIFICATION

A written directive that establishes officers shall adhere to the procedures for conducting eyewitness identification protocols to maximize the reliability of identifications, minimize erroneous identifications, and gather evidence that conforms to contemporary eyewitness identification protocols. Photo arrays and line-ups will be conducted by displaying the suspect and fillers sequentially using a blind or blinded administration. At a minimum, the policy must require:

(1) A person administering a live or photographic lineup be unaware of the suspect's identity, or if that is not practical, the administrator uses a photographic lineup that prevents the administrator from seeing which member of the photographic lineup is being viewed by the eyewitness at a given time;
(2) Before the procedure, the eyewitness shall be instructed that the perpetrator may or may not be in the lineup;
(3) Nonsuspect "fillers" used in the lineup be substantially similar to the eyewitness' description of the perpetrator; and
(4) Immediately after an identification is made, the eyewitness provides a statement in his or her own words that articulates the level of confidence in the identification.

4.1.2 - CRIMINAL INVESTIGATIVE DATA

A written directive that creates a designation between what constitutes public data versus the data classified as confidential or protected nonpublic.

Clarification Statement: Investigative data collected or created by a law enforcement agency to prepare a case against a person, whether known or unknown, for the commission of a crime or other offense for which the agency has primary investigative responsibility are confidential or protected nonpublic while the investigation is active. Inactive investigation data are public unless the release of the data would jeopardize another ongoing investigation or would reveal the identity of individuals protected.

Images and recordings, including photographs, video, and audio records, which are part of inactive investigation files and which are offensive to common sensibilities are classified as private or nonpublic data, provided that the existence of the images and recordings shall be disclosed to any person requesting access to the inactive investigative file. An investigation becomes inactive upon the occurrence of a decision by the agency or appropriate prosecutorial authority not to pursue the case; expiration of the time to bring a charge or file a complaint under the applicable statute of limitations, or 30 years after the commission of the offense, whichever comes earliest; or exhaustion of or expiration of all rights of appeal by a person convicted based on the investigative data.

Any investigative data presented as evidence in court shall be public. Data determined to be inactive may become active if the agency or appropriate prosecutorial authority decides to renew the investigation.

4.1.3 - CRITICAL INCIDENT RESPONSE AND INVESTIGATION POLICY

A written directive that requires the CLEO or incident officer to retain overall command and control of all critical incident investigations to include the response and investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or is injured or dies as a result of another action of an officer.

A written directive that requires officers/deputies directly involved in the critical incident:

a. Make a brief preliminary radio broadcast advising dispatch and fellow employees of the situation;
b. Keep radio transmissions to a minimum;
c. Secure the scene, identify, and eliminate hazards for all those involved;
d. Take reasonable steps to obtain emergency medical attention for injured individuals;
e. Refrain from discussing the incident with civilians at the scene;
f. If the incident entails a peace officer-involved shooting, the peace officer shall retain their weapons until they are turned over to a supervisor. Unless necessary for peace officer safety, the employees shall not reload or unload their weapons without being told to do so by the supervisor; and
g. Officers directly involved in the incident should not become involved in the gathering or collection of evidence or interviewing of witnesses. Employees should remain at the scene until the supervisor arrives unless safety or medical care requires the officer to go elsewhere.

Clarification Statement: The critical incident response and investigation policy purpose is to establish a procedure for the initial response to, and investigation of any critical incident involving peace officers. It is in the best interest of the county, agency, public, and the officers involved that a thorough and detailed investigation be conducted into all critical incidents.

As soon as practicable, and without delay, peace officers involved will have access to (a) a labor union representative and/or other legal counsel, (b) a telephone to contact family members, and (c) a chaplain or other clergy.

Investigators from an outside agency should be requested to assist with the criminal investigation of officer-involved shootings or where other actions of an officer results in great bodily harm or death.

4.2 - CRIME SCENE PROCESSING

4.2.1 - EVIDENCE COLLECTION

A written directive that establishes continuous security measures and procedures for receiving all in-custody and evidentiary property obtained by employees into agency control.

4.2.2 - EVIDENCE PRESERVATION

A written directive that establishes package requirements that protect items from cross-contamination and prevent loss of evidentiary value while permitting efficient storage and

retrieval. The following procedures shall require that items will be properly identified, secured, and packaged before they will be accepted in the property and evidence room. Items requiring specific packaging procedures include:

1. Currency should be uniquely packaged and sealed with a label cash count and if any suspected counterfeit bills or funds;
2. Drugs should be packaged and sealed;
3. Evidence that is a potential biohazard should be plainly marked with a biohazard label; and
4. Firearms should be unloaded before submitted.

Clarification Statement: The two-person rule shall be employed when counting, opening, or transferring currency as well as when handling drugs. If the two-person rule is not practical, then the agency should develop a procedure to independently document the counting, opening, or transferring of currency as well as when handling drugs.

4.2.3 - EVIDENCE SUBMISSION TO LAB

A practice which accomplishes compliance with the appropriate evidence testing service agencies, including but not limited to the specific criteria of:

a. Controlled substances;
b. Trace evidence;
c. Fire debris;
d. Latent prints;
e. Firearms and toolmarks;
f. Toxicology;
g. Biology related evidence; and
h. Digital and multimedia evidence.

4.3 - STORAGE OF EVIDENCE AND PROPERTY

4.3.1 - DOCUMENTATION AND STORAGE

A written directive that provides for the proper collection, storage, and security of evidence and other property and provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property. Employees booking property shall observe the following:

(a) Requiring all evidence/property to be recorded into the agency reporting system and placed under the control of the evidence/property function prior to the conclusion of the employee's shift, with exceptions defined by the directive;
(b) Requiring documentation explaining how the evidence/property came into the officer's/agency's possession;
(c) Requiring guidelines for packaging and labeling evidence/property prior to submission to the property/evidence control function for storage;

(d) Requiring extra precautionary/verification measures for handling exceptional, valuable, or sensitive evidence/property items;
(e) Notifying the rightful owner that the agency has custody of the evidence/property;
(f) Establishing a documented chain of custody up to and including release of evidence/property;
(g) Meet Minnesota standards for disposal;
(h) Complete the property label describing each item of property separately, listing all serial numbers, and other identifying information or markings;
(i) Mark each item of evidence with initials and date;
(j) Complete an evidence/property tag and attach it to each package in which the property is stored; and
(k) A completed copy of the property documentation.

A written directive provides for the following:

(a) Specialized inventory and storage of controlled substances;
(b) Storage in proper containers and an area designated for the storage of flammable materials; and
(c) Maintain a process to store, transfer, or release firearms ordered surrender.

Clarification Statement: In addition to taking custody of property subject to forfeiture, law enforcement officers take custody of lost and stolen property, contraband, and physical evidence that can directly or indirectly solve a crime. They must provide for the safe handling of evidence while preserving the integrity of the evidence for further analysis. They must preserve a chain of custody that allows for the admission of evidence in subsequent court proceedings. Property and evidence room personnel must also ascertain the lawful disposition of the items in their custody. Policies and procedures should “inform department personnel of their responsibilities, outline acceptable procedures to follow, establish general performance standards, and create consistency among employees carrying out tasks.

Overcrowding of a property in an evidence room leads to disorganization and the potential loss, damage, or contamination of property evidence. Timely and legal disposition of property and evidence helps avoid these problems. In Minnesota, disposition may include returning the property to the owner, selling the property, retaining the property for agency use, destroying the property, or forwarding the property to another entity. The agency should conduct regular inventories of the property and evidence room to determine whether the property and evidence are ready for final disposition.

4.3.2 - PERMANENT STORAGE

A written directive that requires that all evidence/property in the agency’s custody in stores in a designated secure area(s) include:

(a) Designation of a primary property/evidence custodian;
(b) Designation of alternate property/evidence custodian(s), if applicable;
(c) Restricting access to stored evidence/property to authorized personnel; and

(d) Establishing enhanced security or storage measures for exceptional, sensitive, and valuable evidence/property.

4.3.3 - TEMPORARY STORAGE

Secure storage lockers/areas/cabinets/facilities are provided for the temporary storage of evidence/property when the evidence/property room is closed or otherwise unavailable. A written directive establishes procedures for the temporary storage of evidence and property, to minimally include:

(a) Key or access control; and
(b) A requirement to notify the property/evidence custodian if temporary lockers, areas, cabinets, or facilities are at capacity or if the size or composition of the evidence/ property makes it impossible to adequately secure the evidence/property.

4.3.4 - DISPOSITION OF PROPERTY

A written directive that includes the disposal of items held in the property and evidence room in a legal and timely manner including:

1. Review of disposition timelines;
2. Authorization required for disposition;
3. Parameters for release of currency;
4. Parameter for release of unclaimed/abandoned property to the owner;
5. Release of recovered stolen property to the owner;
6. Release of property subject to forfeiture to the owner;
7. Sale of property;
8. Destruction of property;
9. Property held as evidence; and
10. Property retained for agency use.

4.3.5 - SECURITY

A written directive that limits access to the property and evidence room storage areas to authorized personnel and should include how the property and evidence room will be secured and monitored to prevent any unauthorized entry.

A written directive should include a limitation on the distribution of keys/codes allowing access to the room to personnel responsible for the property and evidence room. Procedures should also identify who is responsible for:

a. Issuing keys/access codes and maintaining a key/access code log showing the total number of keys;
b. Protecting duplicate keys and maintaining a record detailing any use of duplicate keys;
c. Changing the keys/access codes whenever there is a change in personnel; and
d. Conducting periodic inventories of the keys.

4.3.6 - MAINTAINING A SECURE FACILITY

A secure facility and evidence room are required to maintain the chain of custody and safeguard the items stored in the property and evidence room. Agencies should have proper access controls to prevent unauthorized entry into secure storage areas. These controls should include:

1. Key or access card controls;
2. Access logs that document entries into the property and evidence room;
3. Enhanced security areas for items such as currency, firearms, jewelry, and drugs;
4. After-hours access controls; and
5. Alarms and surveillance cameras/videos operated on a 24-hour basis.

Clarification Statement: After-hours access to the property and evidence room secure storage areas should be discouraged. The facility/security procedures should describe how after-hours access will be handled.

4.3.7 - ENHANCED SECURITY AREA

A written directive should describe the enhanced security features that will be provided for items such as currency, drugs, firearms, and jewelry. The enhanced security features for this area could include:

1. Separate storage area with separate keys/access codes for a limited number of property and evidence room personnel;
2. A separate access log for the area; and/or
3. A two-person rule for entry into the area.

4.3.8 - PROPERTY AND EVIDENCE ROOM PERSONNEL

Practice of law enforcement agencies should assign sufficient and qualified personnel to manage the property and evidence room.

Clarification Statement: The property and evidence room staffing procedures should make all agency personnel responsible for the proper handling of evidence and seized property. Procedures should clearly state that property and evidence room personnel are responsible for receiving, documenting, storing, securing, preserving, disposing, and tracking the chain of custody for the property and evidence under the custody of the agency.

An adequate number of personnel will be assigned to the property and evidence room as well as, the duties and responsibilities of the property and evidence room personnel.

Requirements for background and criminal history checks for personnel assigned to the property and evidence room should be stated in the staffing procedures.

4.3.9 - PROPERTY AND EVIDENCE ROOM PERSONNEL TRAINING

A practice should include specialized training and should be provided to property and evidence room personnel. Training should include:

a. Protocols for all aspects of property and evidence handling and specific legal requirements unique to Minnesota; and
b. The inclusion of specialized safety training on how to handle items such as hazardous materials, biohazards, and firearms.

Clarification Statement: The rotation of personnel in the property and evidence room should be discouraged, as it increases the number of people allowed access to the secure and restricted storage areas. More people with access to the property and evidence room increases the likelihood of error in tracking of the property or a theft of property/evidence.

The agency's policy should establish responsibilities, provide guidance for employees, enhance employees' understanding of their role in the control system, improve efficiency, and maintain consistency in procedures, even during employee transitions.

All personnel involved with property and evidence room management should have easy access to the property and evidence room policies and procedures manual. In addition, the manual shall be shared with all agency employees to help them understand the role they play in protecting the integrity of the items maintained in the property and evidence room.

4.3.10 - QUALITY CONTROL AND REVIEW

A written directive that establishes quality control protocols and procedures for evidence/property while in the agency's custody to minimally include:

(a) A semi-annual inspection of evidence/property storage areas by the person responsible for the evidence/property control function or his/her designee to ensure adherence to agency procedures governing storage of evidence/property;
(b) An inventory of evidence/property occurs whenever there is a change of the evidence/property custodian, evidence/property function supervisor, or chief law enforcement officer;
(c) An inventory of evidence/property occurs whenever there is any indication or suspicion of a breach of the property/evidence repository;
(d) An annual representative audit of evidence/property held by the agency is conducted by a supervisor outside of the chain of command for the evidence/property control function, with the number of items determined by the CLEO; and
(e) An annual unannounced inspection of evidence/property storage areas, as directed by the agency's CLEO.

Clarification Statement: Conducting regular reviews and audits will help law enforcement agencies determine whether policies and procedures for the property and evidence room are being followed consistently to protect the integrity of the property and evidence.

Reviews and audits may include unannounced inspections or spot checks by management, internal reviews conducted by agency personnel not assigned to the property and evidence room, peer reviews, or audits by outside non-law enforcement entities. Law enforcement agencies that handle a large amount of property and evidence should consider an external audit regularly.

4.4 - SPECIAL INVESTIGATIONS AND OPERATIONS

4.4.1 - SPECIAL INVESTIGATIONS

A written directive that establishes procedures for special investigations involving criminal activity associated with organized crime, narcotics, and vice crimes to minimally include:

(a) Reporting procedures or processes;
(b) Procedures for processing the complaint/information;
(c) Maintaining a record of complaints/information;
(d) Maintaining a record of information shared with or received from another agency; and
(e) Procedures for informing the CLEO of activities related to this function.

4.4.2 - SPECIAL INVESTEGATIONS OPERATIONS

A written directive that establishes guidelines for conducting surveillance, decoy, raid, and undercover operations, if applicable.

4.4.3 - USING CONFIDENTIAL INFORMANTS

At a minimum, a written directive of the law enforcement agency must include the following:

(1) Information the agency shall maintain about each confidential informant, at a minimum, an emergency contact for the informant in the event of the informant's harm or death;
(2) Process to advise confidential informant of conditions, restrictions, and procedures associated with participating in the agency's investigative or intelligence gathering activities;
(3) Procedures for compensation of an informant;
(4) Designated supervisory or command-level review and oversight in the use of a confidential informant;
(5) Limits of restrictions on off-duty association or social relationships by law enforcement agency personnel with a confidential informant;
(6) Limits or restrictions on the potential exclusion of an informant from engaging in a controlled buy or sale of a controlled substance if the informant is known by the law enforcement agency to:
    a. be receiving in-patient or out-patient treatment administered by a licensed provider for substance abuse;
    b. be participating in a treatment-based drug court program; or
    c. have experienced a drug overdose within the past year;
(7) Exclusion of an informant under the age of 18 years from participating in a controlled buy or sale of a controlled substance without the written consent of a parent or legal guardian, except that the informant may provide confidential information to a law enforcement agency;
(8) Consideration of an informant's diagnosis of mental illness, substance abuse, or disability, and history of mental illness, substance abuse, or disability;
(9) Guidelines for the law enforcement agency to consider if referral to county social services agency services related to addiction physical or mental infirmity or other

physical, mental, or emotional dysfunction that impairs the informant's ability to understand instructions and make informed decisions, where the agency determines this process does not place the informant in any danger;

(10) Guidelines for the law enforcement agency to use to encourage prospective and current confidential informants who are known to be substance abusers or to be at risk for substance abuse to seek prevention of treatment services;

(11) Reasonable protective measures for a confidential informant when law enforcement knows or should have known of a risk or threat of harm to a confidential informant and the risk or threat of harm is a result of the informant's service to the law enforcement agency;

(12) Guidelines for the training and briefing of a confidential informant;

(13) Reasonable procedures to help protect the identity of a confidential informant during the time the person is acting as an informant;

(14) Procedures to deactivate a confidential informant that maintains the safety and anonymity of the informant;

(15) Optional procedures that the law enforcement agency may adopt relating to offering and providing assistance to deactivated confidential informants with physical, mental, or emotional health services;

(16) A process to evaluate and report the criminal history and propensity for violence of any target offenders; and

(17) Guidelines for a written agreement between the confidential informant and the law enforcement agency that take into consideration, at a minimum, an informant's physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the informant's ability to knowingly contract or otherwise protect the informant's self-interest.

4.4.4 - INVESTIGATING ADULT MISSING PERSONS

The law enforcement agency having jurisdiction over the location where a person has been missing or was last seen has the responsibility to take a missing person report from an interested party.

If the person identified in the missing person report remains missing longer than 30 days, and the additional information specified below has not been gathered, a written directive requires a law enforcement agency shall attempt to obtain the following:

(1) DNA samples from family members and consent forms required for the use of state or federal DNA databases;

(2) Dental information and x-rays, an authorization to release dental information or x-rays of the missing person;

(3) Any additional photographs of the missing person that may aid the investigation of an identification; and

(4) Fingerprints.

The law enforcement agency shall immediately complete the following:

(a) Determine whether any additional information received on the missing person indicates that the person is endangered; and

(b) Enter any additional information into the applicable state or federal database as soon as possible.

Clarification Statement: The law enforcement agency shall promptly notify all appropriate law enforcement agencies in the state and is required to issue a missing person alert utilizing the Crime Alert Network and if deemed appropriate, law enforcement agencies in adjacent states or jurisdictions of any information that may aid in the prompt locations and safe return of a missing and endangered person.

Nothing in this section shall be construed to preclude a law enforcement agency from obtaining any of the materials identified in this section before the 30th day following the filing of the missing person report. The law enforcement agency should obtain the appropriate written authorization before it releases publicly any photograph that would aid in the investigation or identification of the missing person.

4.4.5 - INVESTIGATING JUVENILE MISSING PERSONS

A written directive that establishes procedures for investigating missing juveniles, to include, at a minimum:

(a) Circumstances when to notify a supervisor;
(b) Circumstances when to invoke immediate inter- and intra-agency assistance;
(c) Criteria and procedures for activation of AMBER Alert Systems or other public notification systems;
(d) Search procedures, where applicable;
(e) Duties of call takers, first responders, supervisors, and investigators; and
(f) Procedures for latent investigations.

4.4.6 - UNIDENTIFIED PERSON INVESTIGATIONS

A written directive that establishes procedures for investigating unidentified persons, adult and/or juvenile, alive or dead.

4.4.7 – IMPARTIAL POLICING DURING INVESTIGATIONS

An agency policy to reaffirm commitment to impartial policing and to reinforce procedures that serve the public by serving fairly and equitably to all. Peace officers shall:

(1) Be respectful and professional;
(2) Identify themselves to the citizen as soon as practical unless the information will compromise public safety;
(3) Ensure the detention is no longer than necessary to take appropriate action for the known or suspected offense;
(4) Attempting to answer any relevant questions the citizen might have regarding the citizen/officer contact when appropriate;
(5) Provide their last name or badge numbers when requested; and
(6) Explain if it is determined the reasonable suspicion was unfounded.

Clarification Statement: Impartial policing attempts to reduce objective identity-based profiling which alienates people from the police, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people law enforcement is sworn to protect and serve. Law enforcement policies and training programs must emphasize the need to respect the balance between the rights of all persons to be free from unreasonable governmental intrusions and law enforcement's need to enforce the law.

Peace officers shall not consider race, ethnicity, national origin, gender, sexual orientation, sexuality, or religion in establishing either reasonable suspicion or probable cause. However, officers may consider such characteristics when there is information that links specific, suspected, unlawful, or suspicious activity to a particular individual or group of individuals. Every member of the agency has a duty to report suspected or known instances of bias-based policing to a supervisor.

4.4.8 - IMPORTANCE OF DIGNITY AND RESPECT

The agency has a written directive that underscores the importance of officers treating individuals with respect and dignity and encourages the use of respectful language.

4.4.9 - DOMESTIC ABUSE AND ASSAULT RESPONSE

Each agency shall consult with domestic abuse advocates, community organizations, and other law enforcement agencies with expertise in the recognition and handling of domestic abuse incidents. A written directive shall:

a. Discourage dual arrests;
b. Include consideration of whether one of the parties acted in self-defense; and
c. Guide officers concerning instances when officers should remain at the scene of the domestic abuse incident until the likelihood of further imminent violence has been eliminated.

Clarification Statement: The agency must recognize domestic abuse as a serious problem in today's society and to protect victims of domestic abuse by ensuring its peace officers understand the laws governing this area. The agency will enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

4.4.10 - DOMESTIC ABUSE DATA

A written directive or practice describing the release of the written police report of an alleged incident of domestic abuse.

Clarification Statement: Request for data that arises out of the type of incident or of an alleged violation of an order for protection must be released upon request at no cost to the victim of domestic abuse, the victim's attorney, or an organization designated by the Office of Justice Programs in the Department of Public Safety as providing services to victims of domestic abuse. The executive director or the commission of the appropriate state agency shall develop written criteria for this designation.

4.4.11 - SEXUAL ASSAULT INVESTIGATION

A written directive addressing how the agency will respond to and investigate reports of sexual assault.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be the agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Clarification Statement: The agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

4.4.12 - PREDATORY OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION

The agency must protect the public by disclosing information on predatory offenders residing in the agency's community. The agency will decide what information to disclose based on the level of danger posed by the offender, the offender's pattern of offending behavior, and the needs of community members to enhance their individual and collective safety.

4.4.13 - CRIMINAL CONDUCT ON SCHOOL BUS

A written directive regarding procedures for responding to criminal incidents on school buses.

The agency shall:

a. Respond to calls for assistance from any citizen, school, or bus transportation company official as they may pertain to criminal conduct on school buses;
b. Issue citations, release pending further investigation, or apprehend and transport individuals committing crimes on school buses, to the extent authorized by law;
c. Investigate reports of crimes committed on school buses by using the same procedures followed in other criminal investigations;
d. Submit reports regarding the incident to superior officers and the prosecuting attorney as required by agency policy;
e. Follow through with any other investigation necessary to prepare a case pertaining to criminal conduct on school buses as requested by the prosecuting attorney; and
f. Provide information to the school regarding the incident as required or authorized by law.

Clarifying Statement: The agency shall work with and consult school officials, transportation personnel, parents, and students when responding to these incidents to protect student safety and deal appropriately with those who violate the law. This policy recognizes that responding to reports of alleged criminal conduct on school buses within this jurisdiction is the responsibility of the agency in cooperation with any other law enforcement agency that has jurisdiction over the alleged offense. The policy is not intended to interfere with or replace school disciplinary policies that relate to student misconduct on school buses.

4.5 – VICTIM ASSISTANCE

4.5.1 - VICTIM ASSISTANCE

A directive that establishes the procedure to give initial notice of the rights afforded to crime victims. The notice must inform a victim of :

(1) The victim's right to apply for reparations to cover losses, not including property losses, resulting from a violent crime and the telephone number to call to request an application;
(2) The victim's right to request that the law enforcement agency withhold public access to data revealing the victim's identity;
(3) The additional right of domestic abuse victims;
(4) Information on the nearest crime victim assistance program or resource;
(5) The victim's rights, if an offender is charged, to be informed of and participate in the prosecution process, including the right to request restitution; and
(6) In homicide cases, information on rights and procedures

Clarification Statement: The rights afforded to crime victims apply to adult criminal cases, juvenile delinquency proceedings, juvenile traffic proceedings involving driving under the influence of alcohol or drugs, and proceedings involving any other act committed by a juvenile that would be a crime if committed by an adult.

All law enforcement agencies investigating crimes shall provide victims with notice of the Mn Victim's Rights Act and of their right to seek reimbursement for certain losses

4.5.2 - SEXUAL ASSAULT VICTIM ASSISTANCE

A written directive in which the investigating law enforcement agency shall release the following active investigative data, to a victim of sexual assault about a submitted sexual assault examination kit:

(1) The date that a sexual assault examination kit was submitted to a forensic laboratory and the date that the agency received notice of the results of that testing; and
(2) Whether a DNA profile was obtained from the testing.

A practice in which each law enforcement agency shall provide investigative data that includes but is not limited to the following requirements:

(1) Agency identification of a representative or representatives to respond to requests for data from sexual assault victims and to serve as liaison between the agency and the forensic laboratory;
(2) Agency response to inquiries within 30 days of receipt, unless the agency declines to provide the information;
(3) The sexual assault victim can designate another person to request information on the victim's behalf by providing written authorization to the agency except that an agency can decline to provide the information; and

(4) Agency development of a procedure that allows a sexual assault victim to contact the agency representative to request that a restricted kit, be reclassified as an unrestricted kit if the kit is in the possession of the agency.

Clarification Statement: The agency may refuse the request if the release of the data will interfere with the investigation.

CHAPTER 5

THE ARRESTEE/DETAINEE/PRISONER FUNCTION

Persons arrested or detained fall under the care and control of the agency until their release. Once a person is arrested, he/she must be controlled through the use of restraining devices and searched for weapons, evidence, and possible implements of escape. Transportation of a processing or detention facility must be accomplished safely and as soon as practicable. Vehicles used for arrestee/prisoner transportation should be modified to regard unauthorized egress or access.

Smaller agencies may not have a temporary holding facility. County and State agencies may not have separate booking/processing facilities. This function may be performed by a County Jail.

Security and control should comply with current criminal procedures and applicable laws and administrative codes.

5.1 - TRANSPORTING ARRESTEES/DETAINEES/PRISONERS

5.1.1 – ARRESTEES/DETAINEES/PRISONER TRANSPORTATION

A written directive should outline the responsibilities of law enforcement officers responsible for the transportation of arrestees, detainees, and prisoners. Such responsibilities should include but may not be limited to the following:

a. Verify that the identity of each arrestee/detainee/prisoner to be transported matches the proper identification paperwork;
b. Ensure that all pertinent documentation accompanies the arrestee/detainee/prisoner;
c. Ensure that any known or suspected threat or danger to the arrestee/detainee/prisoner is recorded on their documentation and is transferred with them to the next facility; and
d. Document a transportation log that includes the date, start/stop of transport, and mileage.

A written procedure that specifies that inmate transfers that exceed 100 miles shall be accomplished with a custodial escort of the same sex as the arrestee/detainee/prisoner being transferred.

Clarification Statement: All pertinent documentation should include but may not be limited to booking forms, medical records, itemized lists of the arrestee/detainees/prisoner's property, and warrant copies.

Such threats or dangers the arrestee/detainee/prisoner may pose include risk of escape, suicide potential, or medical condition.

All standards in this chapter do not regulate a Class IV municipal lockup facility or municipal police facility that includes an administrative processing area used to detain a person for up to four hours; for a municipal police facility only, if specifically designed to be nonresidential; has the audio capacity, visual capacity, or both; is normally not locked except for routine security reasons; and is used long enough for identification, transfer agreements, or release of a detained person to a responsible person.

A peace officer is not required to provide a same-sex escort if: (1) the vehicle used to transport the transferee has video and audio recording equipment installed; (2) the vehicle’s video and audio recording equipment is operational and positioned to record the portion of the vehicle where the transferee is held during the transfer; and (3) the video and audio equipment records the duration of the transfer.

5.2 – PROCESSING OF ARRESTEES/DETAINEES/PRISONERS

5.2.1 – PROCESSING PROCEDURES

A practice by which policies and procedures concerning the facility's operation must be accessible to employees at the time of employment and when revised. The policy and procedure manual shall be reviewed at least annually.

A written directive that addresses the processing of arrestees including:

a. Designation of a processing area/room;
b. Search requirements;
c. Supervision of arrestees;
d. Control of weapons in the processing environment;
e. Emergency alarm activation and response;
f. Use of communications devices during a Breathalyzer test, when applicable; and
g. Escape prevention control measures.

5.3 - HOLDING OF ARRESTEES/DETAINEES/PRISONERS

5.3.1 - TEMPORARY DETENTION DEFINED

A written policy should define and specify the procedures surrounding temporary detention facilities.

Clarification Statement: The agency shall maintain any temporary detention facility to ensure the safe and humane detention of persons in custody.

5.3.2 - SECURITY PROTOCOLS

A written directive should outline procedures for the secure monitoring of inmates including:

a. Proper security of firearms, deadly weapons, or any type of explosive devices away from arrestee/detainee/prisoner access;
b. Locked doors, and entryways to arrestee/detainee/prisoner holding areas; and
c. Prohibition of access to smoke or smoking materials in the area.

Clarification Statement: No inmate will be held in a facility unless there is an employee who remains within the immediate area. That employee bears the responsibility for responding to emergencies within the holding facility.

5.3.3 - TRAINING

A written directive or practice in which each agency facility administrator shall develop and implement a training program for the orientation of new employees and volunteers and provide for continuing in-service training programs for all employees and volunteers. Training plans must be documented and describe the curriculum, methods of instruction, and objectives.

A written directive or practice in which each facility develops a training program that provides instruction in the following areas:

a. Procedures for responding to health-threatening situations;
b. Recognition of signs and symptoms, and knowledge of action required in potential emergency situations;
c. Methods of obtaining assistance;
d. Recognition of signs and symptoms of mental illness, suicide risk, emotional disturbance, and chemical withdrawal;
e. Procedures of patient transfers to appropriate medical facilities or health care providers; and
f. Prevention of communicable diseases.

Clarification Statement: Each agency facility supervisor should develop guidelines that define the responsibilities, duties, and qualifications of the persons working in the municipal lockup facility.

5.3.4 - EVACUATION/HAZARD PROTOCOLS

A written directive establishes a written plan for fire prevention, fire suppression, and for the evacuation of the temporary detention locations if a fire or other emergency occurs.

Clarification Statements: This statement is not applicable to agencies that do not have temporary detention rooms or areas.

5.3.5 - INSPECTIONS

A written directive requires that sanitation inspections and security inspections be conducted of the temporary detention rooms or areas and reported in writing to the officer in charge of the function.

Clarification Statements: This standard is not applicable to agencies that do not have temporary detention rooms or areas. The frequency of the inspections will be determined by the agency.

5.3.6 - NOTICE OF RELEASE OF ARRESTED OR DETAINED PERSON

When a person is arrested or a juvenile is detained for a crime of violence or an attempted crime of violence and is about to be released from pretrial detention, the agency having custody of the arrested or detained person or is its designee shall make a reasonable and good faith effort before release to inform any local law enforcement agencies known to be involved in the case, if different from the agency having custody, of the following:

(1) The conditions of release, if any;
(2) The time of release; and
(3) The time, date, and place of the next scheduled court appearance of the arrested or detained person.

The releasing peace officer shall be responsible for the following:

All proper reports and forms shall be completed prior to release;
All property shall be returned to the inmate; and
Escorted release from the facility by a peace officer.


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